Worthley Ave Research –

There is WAY too much information in job folders 502 and 577 to condense, scan, or list references. The issue of the road status resurfaced in 2023 during tax map updates and only the more recent additional work for the Town is included in this digital file. Much of the information came from those two job files but they should be physically reviewed by anyone who needs or wants to revisit what is essentially an unresolved issue as of this posting.

E # 23003706 02/08/2023 08:51:44 AM
Book 6466 Page 2470 Page 1 of 2
Register of Deeds, Rockingham County

Cathy Ann Stacey

RECORDING	14.00
SURCHARGE	2.00

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS that the **Town of Seabrook, New Hampshire**, a municipal corporation, with a mailing address of PO Box 456, Seabrook, New Hampshire 03874, for minimum consideration paid, grants to **Kellie A. Brown**, single, with a mailing address of 7 Linda Lane, Seabrook, New Hampshire 03874, with quitclaim covenants, the following:

A certain tract or parcel of land in Seabrook, Rockingham County, New Hampshire shown as Tax Map 16-62-10 Abandoned Roadway on a plan entitled "Lot Line Adjustment Plan, Worthley Avenue, Seabrook, N.H. Transfer of Abandoned Roadway Parcels from Town to Owners of Tax Parcels 16-59-0, 16-60-0, 16-61-0 and 16-62-0" Prepared for Town of Seabrook by Gerrit Consulting, dated March 8, 2004, which plan is on file with the Town of Seabrook. Said parcel is more particularly bounded and described as follows:

Beginning at a point at the northwesterly corner of Map 16-62-0 and traveling N 65°40' 40"E a distance of 45.00 feet to a point; thence turning and running N 20° 49' 25" E a distance of 27.00 feet to a point; thence turning and running N 54° 32' 25" W a distance of 35.00 feet to a point; thence turning and running along a curve having a radius of 528.40 and a length of 63.32 feet to a point; thence turning and running S 47° 40' 27" E a distance of 22.62 feet to the point of beginning. Said parcel contains 2,265 square feet/0.052 acres+/- according to said plan.

In the event of any discrepancies between the above metes and bounds description and the above-referenced plan, the plan description shall prevail.

This Confirmatory Deed affirms the action approved by vote taken at the March 2004 Town Meeting.

Said parcel is hereby combined with and becomes a part of other property owned by Grantee known as Tax Map 16-62-0pursuant to a majority vote on Article #37 at the March 2004 Seabrook Town Meeting.

For title reference, see Deed of Ralph CV Eaton to Town of Seabrook dated August 18, 1958 and recorded in the Rockingham County Registry of Deeds at Book 1476, Page 0416.

Executed this 1st day of ~~November~~ December, 2022.

Witness

Witness

Witness

Town of Seabrook
By its Board of Selectmen

Aboul B. Khan, Chairman

Theresa A. Kyle, Vice Chairman

Srinivasan Ravikumar, Clerk

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM, SS.

~~November~~ December 6, 2022

Then appeared the above-named**Aboul B. Khan, Theresa A. Kyle and Srinivasan Ravikumar,duly authorized Members of the Town of Seabrook Board of Selectmen**, known to me or satisfactorily proven through proof of identification (i.e. their driver's licenses) to be the individuals who executed the foregoing instrument, and acknowledged same to be their voluntary act and deed in said capacity.

Before me,

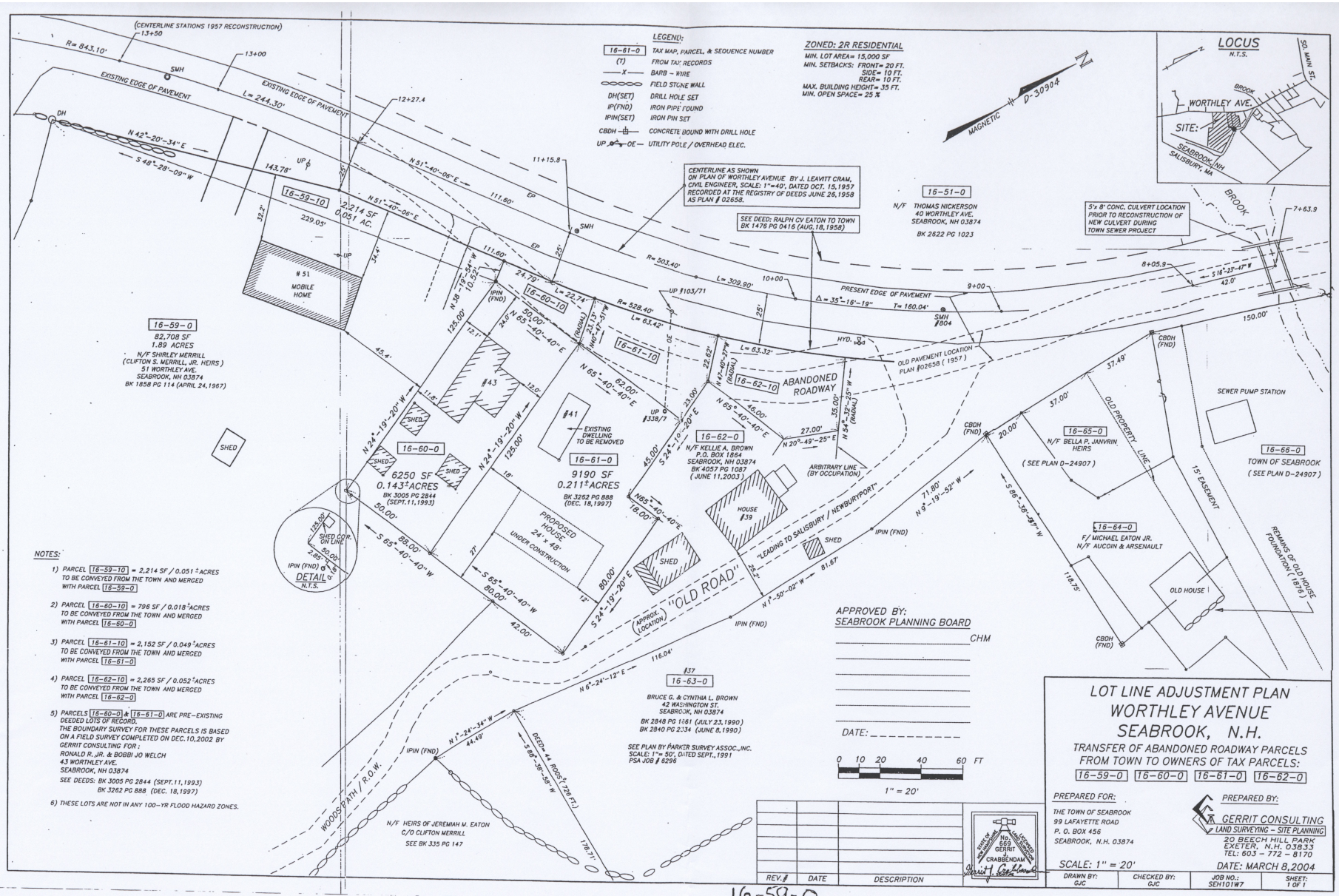
Notary Public

Print Name:
My Commission Expires: 6/6/23

#2022-372

KELLY J. O'CONNOR NOTARY PUBLIC NEW HAMPSHIRE

Plan in progress


LEGEND:
16-61-0 TAX MAP, PARCEL, & SEQUENCE NUMBER
(T) FROM TAX RECORDS
—X— BARB – WIRE
FIELD STONE WALL
DH(SET) DRILL HOLE SET
IP(FND) IRON PIPE FOUND
IPIN(SET) IRON PIN SET
CBDH CONCRETE BOUND WITH DRILL HOLE
UP OE UTILITY POLE / OVERHEAD ELEC.
ZONED: 2R RESIDENTIAL
MIN. LOT AREA= 15,000 SF
MIN. SETBACKS: FRONT= 20 FT.
SIDE= 10 FT.
REAR= 10 FT.
MAX. BUILDING HEIGHT= 35 FT.
MIN. OPEN SPACE= 25 %
MAGNETIC D-30904
LOCUS
N.T.S.
SO. MAIN ST.
BROOK
WORTHLEY AVE.
SITE:
SEABROOK, NH
SALISBURY, MA
(CENTERLINE STATIONS 1957 RECONSTRUCTION)
13+50
13+00
12+27.4
11+15.8
10+00
9+00
8+05.9
7+63.9
SMH
EXISTING EDGE OF PAVEMENT
R= 843.10'
L= 244.30'
N 42°-20'-34" E
S 48°-28'-09" W
N 51°-40'-06" E
111.60'
143.78'
229.05'
EP
UP
DH
16-59-0
2,214 SF
0.051 AC.
51
MOBILE HOME
16-60-10
16-61-10
16-62-10
CENTERLINE AS SHOWN ON PLAN OF WORTHLEY AVENUE BY J. LEAVITT CRAM, CIVIL ENGINEER, SCALE: 1"=40', DATED OCT. 15, 1957 RECORDED AT THE REGISTRY OF DEEDS JUNE 26, 1958 AS PLAN # 02658.
SEE DEED: RALPH CV EATON TO TOWN BK 1476 PG 0416 (AUG. 18, 1958)
16-51-0
N/F THOMAS NICKERSON
40 WORTHLEY AVE.
SEABROOK, NH 03874
BK 2622 PG 1023
5'x 8' CONC. CULVERT LOCATION PRIOR TO RECONSTRUCTION OF NEW CULVERT DURING TOWN SEWER PROJECT
BROOK
S 16°-23'-47" W
42.0'
R= 503.40'
L= 309.90'
PRESENT EDGE OF PAVEMENT
Δ = 35°-16'-19"
T= 160.04'
SMH #804
HYD.
R= 528.40'
L= 22.74'
L= 63.42'
L= 63.32'
OLD PAVEMENT LOCATION PLAN #02658 (1957)
ABANDONED ROADWAY
16-59-0
82,708 SF
1.89 ACRES
N/F SHIRLEY MERRILL
(CLIFTON S. MERRILL, JR. HEIRS)
51 WORTHLEY AVE.
SEABROOK, NH 03874
BK 1858 PG 114 (APRIL 24, 1967)
16-60-0
6250 SF
0.143± ACRES
BK 3005 PG 2844
(SEPT. 11, 1993)
16-61-0
9190 SF
0.211± ACRES
BK 3262 PG 888
(DEC. 18, 1997)
16-62-0
N/F KELLIE A. BROWN
P.O. BOX 1864
SEABROOK, NH 03874
BK 4057 PG 1087
(JUNE 11, 2003)
#41
EXISTING DWELLING TO BE REMOVED
#43
#39
HOUSE
SHED
PROPOSED HOUSE 24' x 44' UNDER CONSTRUCTION
ARBITRARY LINE (BY OCCUPATION)
"OLD ROAD"
"LEADING TO SALISBURY / NEWBURYPORT"
APPROX. LOCATION
IPIN (FND)
CBDH (FND)
16-65-0
N/F BELLA P. JANVRIN HEIRS
(SEE PLAN D-24907)
16-66-0
TOWN OF SEABROOK
(SEE PLAN D-24907)
SEWER PUMP STATION
OLD PROPERTY LINE
15' EASEMENT
REMAINS OF OLD HOUSE FOUNDATION (1876)
16-64-0
F/ MICHAEL EATON JR.
N/F AUCOIN & ARSENAULT
OLD HOUSE
16-63-0
BRUCE G. & CYNTHIA L. BROWN
42 WASHINGTON ST.
SEABROOK, NH 03874
BK 2848 PG 1861 (JULY 23, 1990)
BK 2840 PG 234 (JUNE 8, 1990)
SEE PLAN BY PARKER SURVEY ASSOC., INC. SCALE: 1"= 50', DATED SEPT., 1991 PSA JOB # 6296
N/F HEIRS OF JEREMIAH M. EATON
C/O CLIFTON MERRILL
SEE BK 335 PG 147
WOODS PATH / R.O.W.
DEED: 44 RODS (726 FT.)
178.71'
DETAIL
N.T.S.
SHED COR. ON LINE
IPIN (FND)
NOTES:
1) PARCEL 16-59-10 = 2,214 SF / 0.051 ± ACRES TO BE CONVEYED FROM THE TOWN AND MERGED WITH PARCEL 16-59-0
2) PARCEL 16-60-10 = 796 SF / 0.018 ± ACRES TO BE CONVEYED FROM THE TOWN AND MERGED WITH PARCEL 16-60-0
3) PARCEL 16-61-10 = 2,152 SF / 0.049 ± ACRES TO BE CONVEYED FROM THE TOWN AND MERGED WITH PARCEL 16-61-0
4) PARCEL 16-62-10 = 2,265 SF / 0.052 ± ACRES TO BE CONVEYED FROM THE TOWN AND MERGED WITH PARCEL 16-62-0
5) PARCELS 16-60-0 & 16-61-0 ARE PRE-EXISTING DEEDED LOTS OF RECORD. THE BOUNDARY SURVEY FOR THESE PARCELS IS BASED ON A FIELD SURVEY COMPLETED ON DEC. 10, 2002 BY GERRIT CONSULTING FOR: RONALD R. JR. & BOBBI JO WELCH 43 WORTHLEY AVE. SEABROOK, NH 03874
SEE DEEDS: BK 3005 PG 2844 (SEPT. 11, 1993) BK 3262 PG 888 (DEC. 18, 1997)
6) THESE LOTS ARE NOT IN ANY 100-YR FLOOD HAZARD ZONES.
APPROVED BY:
SEABROOK PLANNING BOARD
CHM
DATE:
0 10 20 40 60 FT
1" = 20'
REV.# DATE DESCRIPTION
STATE OF NEW HAMPSHIRE No. 669 GERRIT J. CRABBENDAM LICENSED LAND SURVEYOR

LOT LINE ADJUSTMENT PLAN
WORTHLEY AVENUE
SEABROOK, N.H.

TRANSFER OF ABANDONED ROADWAY PARCELS FROM TOWN TO OWNERS OF TAX PARCELS:
16-59-0 16-60-0 16-61-0 16-62-0

PREPARED FOR:
THE TOWN OF SEABROOK
99 LAFAYETTE ROAD
P. O. BOX 456
SEABROOK, N.H. 03874

PREPARED BY:
GERRIT CONSULTING
LAND SURVEYING – SITE PLANNING
20 BEECH HILL PARK
EXETER, N.H. 03833
TEL: 603 – 772 – 8170

SCALE: 1" = 20'
DATE: MARCH 8, 2004

DRAWN BY:	CHECKED BY:	JOB NO.:	SHEET:
GJC	GJC	SEH101W7	1 OF 1

16-59-0
16-60-0
16-61-0
16-62-0

2004 TOWN MTG

YES 1095 NO 873

ARTICLE 35

To see if the Town will vote to raise and appropriate the sum of One Hundred Thousand ($100,000.00) Dollars for the construction of a sidewalk on Railroad Avenue. The sidewalk will allow the safer movement of children to bus stops and allow the elderly to walk to the market. This will be a non-lapsing account per RSA 32:7, VI and shall not lapse until the work is completed or in two (2) years. (By Petition of Earl S. Perkins and 99 others.) (Estimated $0.0508 per thousand impact on the tax rate.) (Recommended by the Board of Selectmen.) (Recommended by the Budget Committee.) (Majority vote required.)

YES 1062 NO 947

ARTICLE 36

To see if the Town will approve an equal trade of land parcels, Map: 18, Lots 17, 18, 19 owned by Patricia Degan and located on Old Colony Road in the Cross Beach Area comprising of salt marsh, meadowlands and sand dunes being approximately twelve (12) acres for: three (3) lots of land belong to the Town comprising less than three (3) acres designated on Tax Map: 15, Lot: 103, Parcels 1, 2 & 3, located on Lower Collins Road. (By Petition.) (Majority vote required.)

YES 459 NO 1511

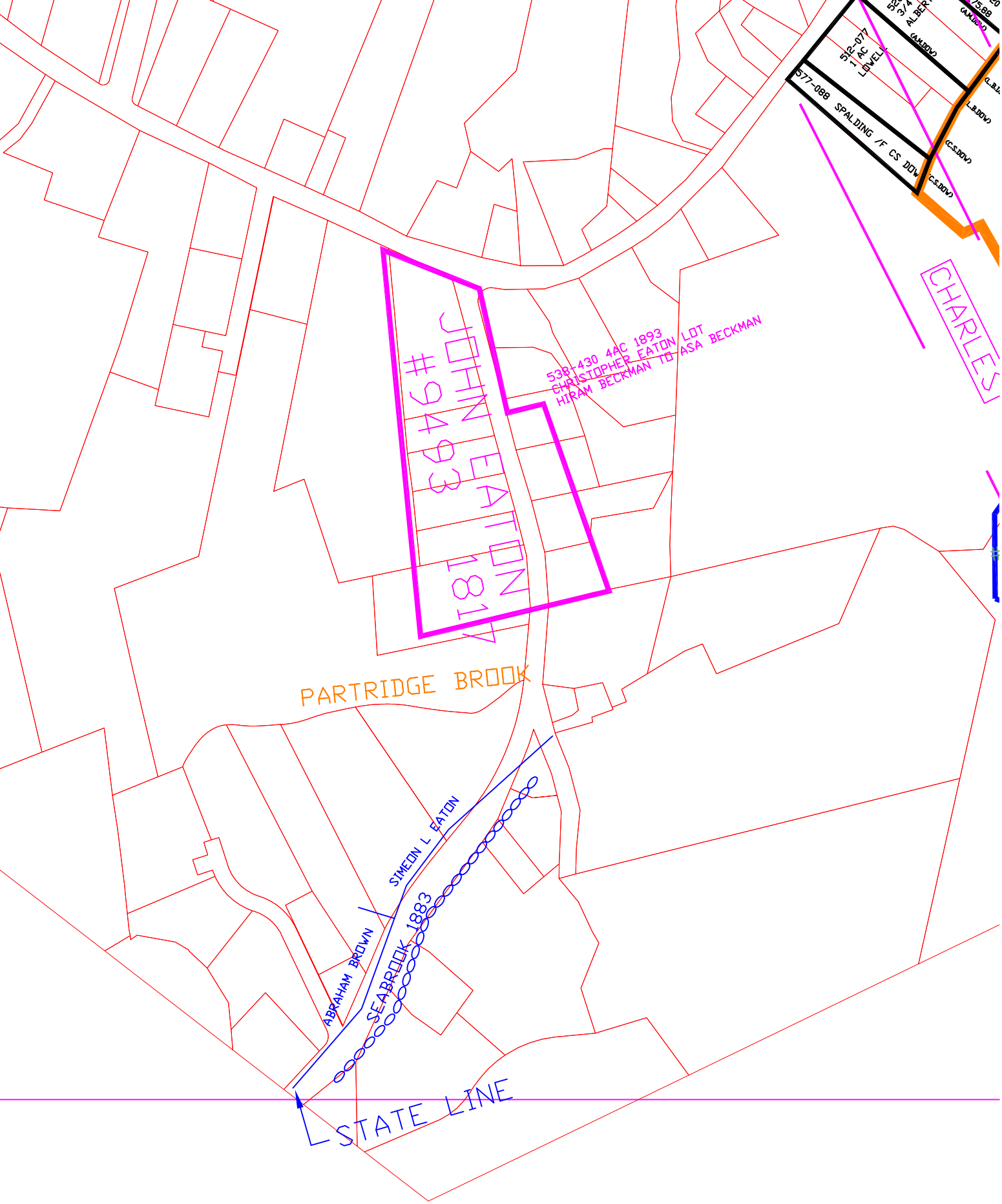
ARTICLE 37

To see if the Town will vote to authorize the Board of Selectmen to convey by deed to the direct abutters those portions of the abandoned highway right-of-way that was abandoned by the reconstruction of Worthley Avenue. (This article transfers several small pieces of land to tax lots 16-59-2; 16-60; 16-61; 16-62; with the largest piece being .024 acres.) (Majority vote required.)

YES 1122 NO 819

ARTICLE 38

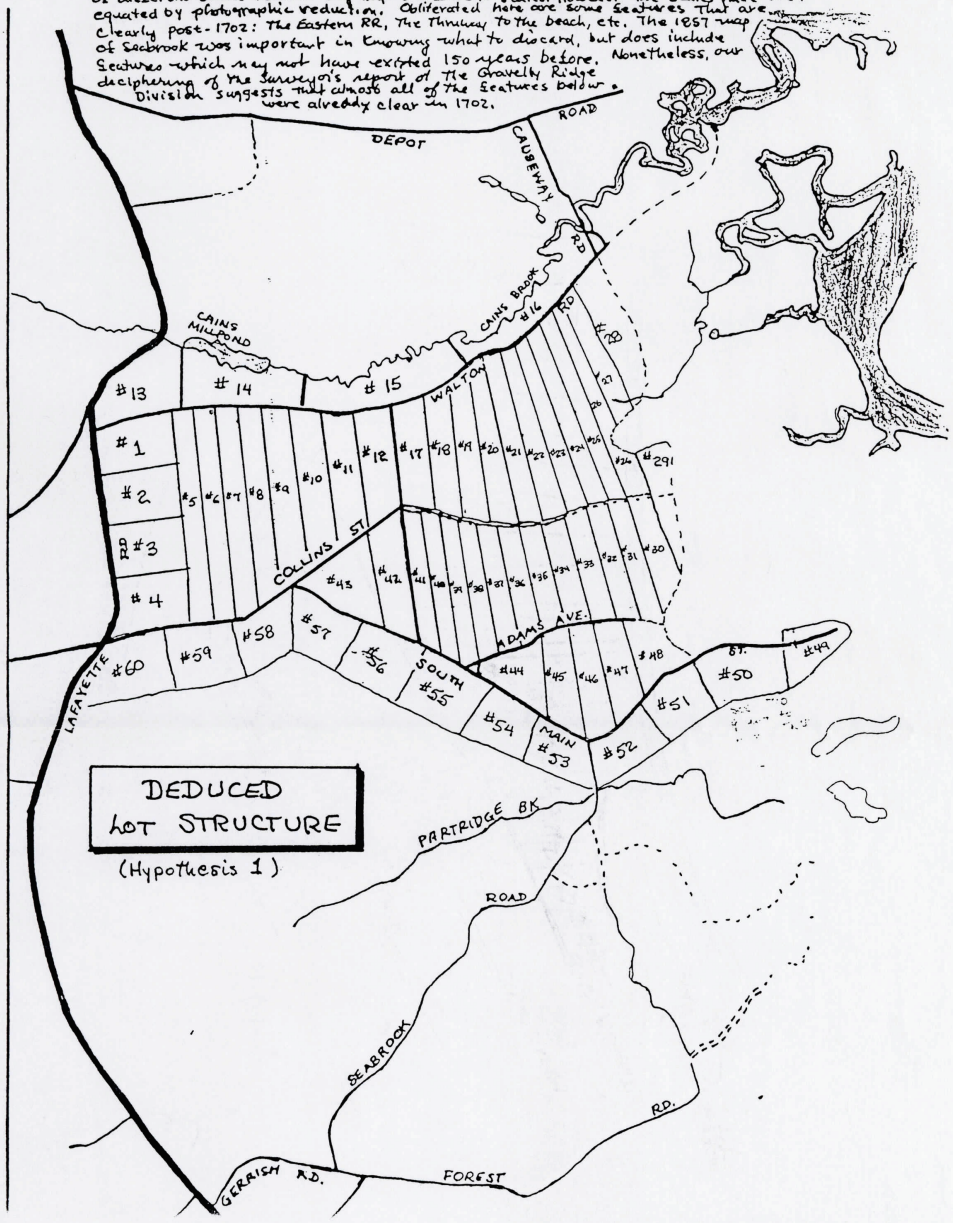
To see if the Town will vote to have ALL individuals working for the Town of Seabrook, NH, tested randomly for drug and alcohol usage which will include: full-time and part-time employees, including the board of selectmen and all elected officials, appointed supervisors/department heads, town manager, town clerks and secretaries, town fire and police personnel, and:



JOHN EATON
#9493 1817
538-430 4AC 1893
CHRISTOPHER EATON LOT
HIRAM BECKMAN TO ASA BECKMAN
PARTRIDGE BROOK
SIMEON L EATON
ABRAHAM BROWN
SEABROOK 1883
STATE LINE
CHARLES
577-088 SPALDING /F CS DOW
512-077
1 AC
LOWELL
(A.M.DOW)
(L.B.DOW)
(C.S.DOW)

GRAVELLY RIDGE DIVISION

Note: This map was constructed to examine the "Gravelly Ridge Division" of Salisbury land in 1702. The basic skeleton geographically comes from 2 U.S. Geological surveys. They are of different scales because they map 2 different states. However the scales have been equated by photographic reduction. Obliterated here are some features that are clearly post-1702: The Eastern RR, The Thruway to the beach, etc. The 1857 map of Seabrook was important in knowing what to discard, but does include features which may not have existed 150 years before. Nonetheless, our deciphering of the surveyor's report of the Gravelly Ridge Division suggests that almost all of the features below were already clear in 1702.



1" = 200'
Jacob Dow
christopher eaton
AREA OBSCURED
1877
335-147
1 AC
Bldg 1849
2 AC
334-451
1883
HOUSE
Simeon L Eaton
Dwelling 1877
Eaton
Simeon to
Simeon L & Jeremiah
Eaton
1848 332-221
35 AC
10 AC
Simeon to
Simeon L & Jeremiah
1848
humility path?
OLD RD
DISCONTINUED
1884
NORTHWESTERLY SIDELINE DESCRIBED
SOUTHEASTERLY SIDELINE DESCRIBED

Know all Men by these Presents, That

I Simeon Eaton of Seabrook, in the County of Rockingham and State of New Hampshire, Yeoman

For and in consideration of the sum of eight hundred dollars to me in hand, before the delivery hereof, well and truly paid by Simeon L. Eaton and Jeremiah M. Eaton of said Seabrook Yeomen

Eaton to Eaton Ld

the receipt whereof I do hereby acknowledge, have given, granted, bargained, sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said Simeon L. Eaton & Jeremiah M. Eaton their heirs and assigns forever,

J Noyes

a certain piece of land situated in said Seabrook containing thirty five acres with the buildings thereon bounded Westerly on the road leading to Salisbury Southerly on land of the heirs of Jeremiah P. Eaton & others, Easterly on my land, Northerly on land of Jacob Dow Jr & land of Christopher Eaton.— Also another piece of land situated in said Seabrook containing ten acres more or less bounded Easterly on a road leading to Salisbury Northerly partly on land of John Eaton's heirs & partly on land of Jacob Eaton Westerly partly on land of Jacob Eaton & partly on land of Abram Brown — Southerly on humility path so called.— Subject to the following incumbrance, viz. the said Simeon Eaton is to have the improvement of the above described property during his natural life.

To have and to hold the said granted premises, with all the privileges and appurtenances to the same belonging, to them the said Simeon L. & Jeremiah M. Eaton their heirs and assigns, to them and their only proper use and benefit forever. And I the said Simeon Eaton, my heirs, executors, and administrators, do hereby covenant, grant and agree to and with the said Simeon L. & Jeremiah M. Eaton their heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, and am seized and possessed thereof in my own right in fee simple, and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear of all and every incumbrance whatsoever, and that I the said Simeon Eaton & my heirs, executors and administrators, shall and will warrant and defend the same to the said Simeon L. & Jeremiah M. their heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

And I wife of the said — in consideration of the sum aforesaid, do hereby relinquish my right of dower in the before mentioned premises

IN WITNESS WHEREOF, I have hereunto set my hand and seal the twenty first day of August in the year of our Lord one thousand eight hundred and forty eght

Signed, Sealed and Delivered in presence of

William Noyes
Jacob Noyes

Simeon Eaton (L.S.)

STATE OF NEW-HAMPSHIRE,—Rockingham, ss. Seabrook August 21st 1848.

PERSONALLY appearing the above named Simeon Eaton acknowledged the foregoing instrument to be his free act and deed, before me,

Jacob Noyes Justice of the Peace.

Received and Recorded October 11. 1848. David Murray Register.

Know all Men by these Presents, That I

Simeon Eaton of Seabrook in the County of Rockingham and State of New Hampshire, Yeoman

Eaton to Eaton said
O. Eaton Esqr

For and in consideration of the sum of one hundred and seven dollars and fifty five cents to me in hand, before the delivery hereof, well and truly paid by Simeon L. Eaton and Jeremiah M. Eaton of Seabrook in the County and State aforesaid, Yeoman

the receipt whereof I do hereby acknowledge, have given, granted, bargained, sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said Simeon L. Eaton and Jeremiah M. Eaton their heirs and assigns forever,

a certain piece of land situated in said Seabrook containing two acres more or less and bounded Westerly by land of Abram Brown Northerly by Pattridge Brook so called Easterly by land of Simeon L. Eaton and Jeremiah M. Eaton aforesaid and Southerly by my own land by the stone wall which divides the field from the wood land as said Stone wall now stands

To have and to hold the said granted premises, with all the privileges and appurtenances to the same belonging, to them the said Simeon L. and Jeremiah M. Eaton, their heirs and assigns, to them and their only proper use and benefit forever. And I the said Simeon Eaton my heirs, executors, and administrators, do hereby covenant, grant and agree to and with the said Simeon L. and Jeremiah M. Eaton their heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises and am seized and possessed thereof in my own right in fee simple, and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear of all and every incumbrance whatsoever, and that I and my heirs, executors and administrators, shall and will warrant and defend the same to the said Simeon L. and Jeremiah their heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the sixteenth day of June in the year of our Lord one thousand eight hundred and forty nine

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Moses Eaton Jr
Christopher Eaton

Simeon Eaton (L.S.)

STATE OF NEW-HAMPSHIRE,—Rockingham, ss. June 16 1849.

PERSONALLY appearing the above named Simeon Eaton acknowledged the foregoing instrument to be his free act and deed, before me,

Moses Eaton Jr Justice of the Peace.

Received and Recorded July 11 1849 David Murray Register.

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Know all Men by these Presents, That

I Simeon Eaton of Seabrook in the County of Rockingham and State of New Hampshire Yeoman

Eaton to Eaton & O. Eaton Esqr

For and in consideration of the sum of eleven hundred ~~&~~ dollars **to me in hand, before the delivery hereof, well and truly paid by** Simeon L. Eaton and Jeremiah M. Eaton both of Seabrook in the County and State aforesaid, Yeomen

the receipt whereof I **do hereby acknowledge, have given, granted, bargained, sold, and by these presents do give, grant, bargain, sell, alien, enfeoff, convey and confirm unto the said** Simeon L. Eaton and Jeremiah M. Eaton their **heirs and assigns forever,** a certain tract of Situated in said Seabrook containing about ten acres be the same more or less, with the buildings thereon, and bounded as follows, to wit: Commencing at the Northwesterly corner thereof by a road that leads to the Town of Salisbury; thence Easterly in part by land of Christopher Eaton and in part by land of Jacobs Dow Jr to land of the heirs Jeremiah P. Eaton; thence Southerly in part by land of the heirs of said Jeremiah P. Eaton and in part by my own land to a Stake and Stones by a white oak tree standing by and on the Northerly side of a path or right of way leading from the road aforesaid to Thues Meadow (so called) thence Westerly by said right of way which divides the same from my own land to the road first mentioned, thence Northerly by said Road to corner of Christopher Eaton first mentioned. Also a certain tract of land situated in said Seabrook and bounded as follows, to wit: Easterly by the road just-mentioned measuring about Eighteen rods Northerly by a brook, Southerly as the fence now stands and to be extended to an westerly on my land by said Brook and said fence as to contain one acre excepting and reserving the buildings thereon now standing

To have and to hold the said granted premises, with all the privileges and appurtenances to the same belonging, to them the said Simeon L. Eaton and Jeremiah M. Eaton their heirs and assigns, to their and their only proper use and benefit forever. And I the said Simeon Eaton my heirs, executors, and administrators, do hereby covenant, grant and agree to and with the said Simeon L. and Jeremiah M. their heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises and am seized and possessed thereof in my own right in fee simple, and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear of all and every incumbrance whatsoever, and that I and my ——— heirs, executors and administrators, shall and will warrant and defend the same to the said Simeon L. and Jeremiah M. their ——— heirs and assigns, against the lawful claims and demands of any person or persons whomsoever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the second day of May in the year of our Lord one thousand eight hundred and forty nine

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

Christopher Eaton
Oliver Eaton

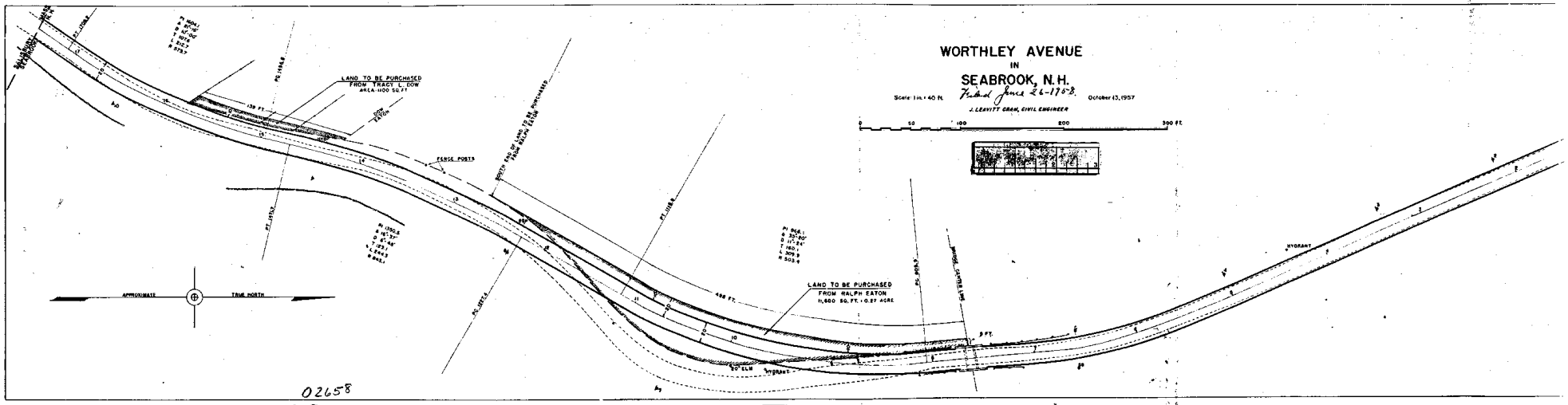
Simeon Eaton (LS)

STATE OF NEW-HAMPSHIRE, Rockingham, ss. May 2d 1849.

PERSONALLY appearing the above named Simeon Eaton acknowledged the foregoing instrument to be his free act and deed, before me,

Oliver Eaton Justice of the Peace.

Received and Recorded May 5th 1849 David Murray Register.



02658

1 OF 2

Section 1

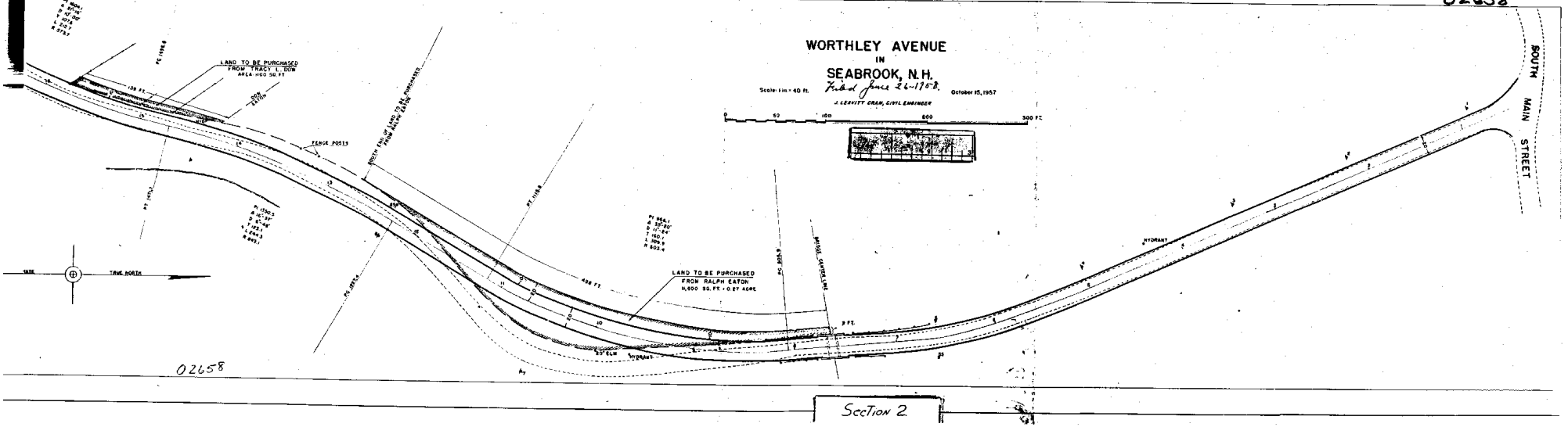
2 of 2

02658

WORTHLEY AVENUE
IN
SEABROOK, N.H.

Scale: 1 in. = 40 ft. Revised June 26-1958. October 15, 1957

J. LEAVITT CRAM, CIVIL ENGINEER


LAND TO BE PURCHASED FROM TRACY L. DOW AREA 1400 SQ. FT.
FENCE POSTS
PROP. FENCE LINE TO BE SET FROM BASE LINE OF SURVEY
LAND TO BE PURCHASED FROM RALPH EATON 11,600 SQ. FT. = 0.27 ACRE
TRUE NORTH
SOUTH MAIN STREET
HYDRANT

02658

Section 2

239

1476 416 MASSACHUSETTS
STATE OF ~~XXXXXXXXXXXX~~
COUNTY OF Essex } ss:

Personally appeared the above-named Alvaro ~~F.~~ Pacheco and Pearl L. Pacheco August 15, 1958. and acknowledged the foregoing to be their voluntary act and deed.

Before me:

Charles G. Hatch

Charles G. Hatch, Notary Public
My commission expires October 22, 1960

Rec. & recorded Aug. 18, 9:15 A.M. 1958

Cal. Sleeper & Mullaney

Know all Men by these Presents,

THAT Ralph C. V. Eaton of Seabrook, County of Rockingham, State of New Hampshire for and in consideration of the sum of One Dollar to me in hand before the delivery thereof, well and truly paid by the Town of Seabrook, a municipal corporation in the County of Rockingham in said State, the receipt whereof I do hereby acknowledge have remised, released and forever QUITCLAIMED, and by these presents, do remise, release and forever quitclaim unto the said Town of Seabrook, its successors and assigns ~~xxxxxxxxxx~~ forever.

A certain tract or parcel of land situate in Seabrook, County of Rockingham, State of New Hampshire, on the Westerly side of Worthley Avenue and more particularly bounded and described as follows:

Beginning at the center point of a bridge located at the Northerly side of land of Ralph C. V. Eaton; thence running in a general Westerly direction nine (9) feet to a point; thence turning and running in a general Southerly and Southwesterly direction in a curved line Four Hundred Ninety-eight (498) feet more or less, to a point; thence turning and running in a general Northeasterly and Northerly direction in a line which curves first to the Northeast and then more Northerly parallel to the highway known as Worthley Avenue to the point of beginning.

Meaning and intending to convey an area containing approximately 11,600 square feet = 0.27 acres of land, all as more particularly shown on a plan entitled: "Worthley Avenue in Seabrook, N. H." Scale: 1 in. equals 40 feet, dated October 15, 1957 by J. Leavitt Cram, Civil Engineer, said plan to be recorded herewith.

To HAVE AND TO HOLD the said premises, with all the privileges and appurtenances thereunto belonging, to the said Town of Seabrook, its successors and assigns ~~xxxxxxx~~ ~~xxxxx~~ forever: and I do hereby covenant with the said Town of Seabrook that I will warrant and defend the said premises to it the said Town of Seabrook, its successors and assigns ~~xxxxxxxxxx~~, against the lawful claims and demands of any person or persons claiming by, from or under me.

And I, Anna R. Eaton, wife of said grantor for the consideration aforesaid, do hereby release my right of dower in said premises.

And we and each of us do hereby release, discharge, and waive all such rights of exemption from attachment and levy or sale on execution, and such other rights whatsoever in said premises and in each and every part thereof, as our Family Homestead, as are reserved or secured to us, or either of us, by the statute of the State of New Hampshire, passed July 4th, 1831, entitled "An Act to exempt the Homestead of Families from attachment levy or sale on execution," or by any other statutes of said State.

In Witness Whereof we have hereunto set our hands and seals this 14 day of Aug. in the year of our Lord 1958.

Signed, Sealed and Delivered in the presence of:

James C. Folcover
Clyde O. Brown
Paul A. Damon

Ralph C V Eaton
Anna R Eaton

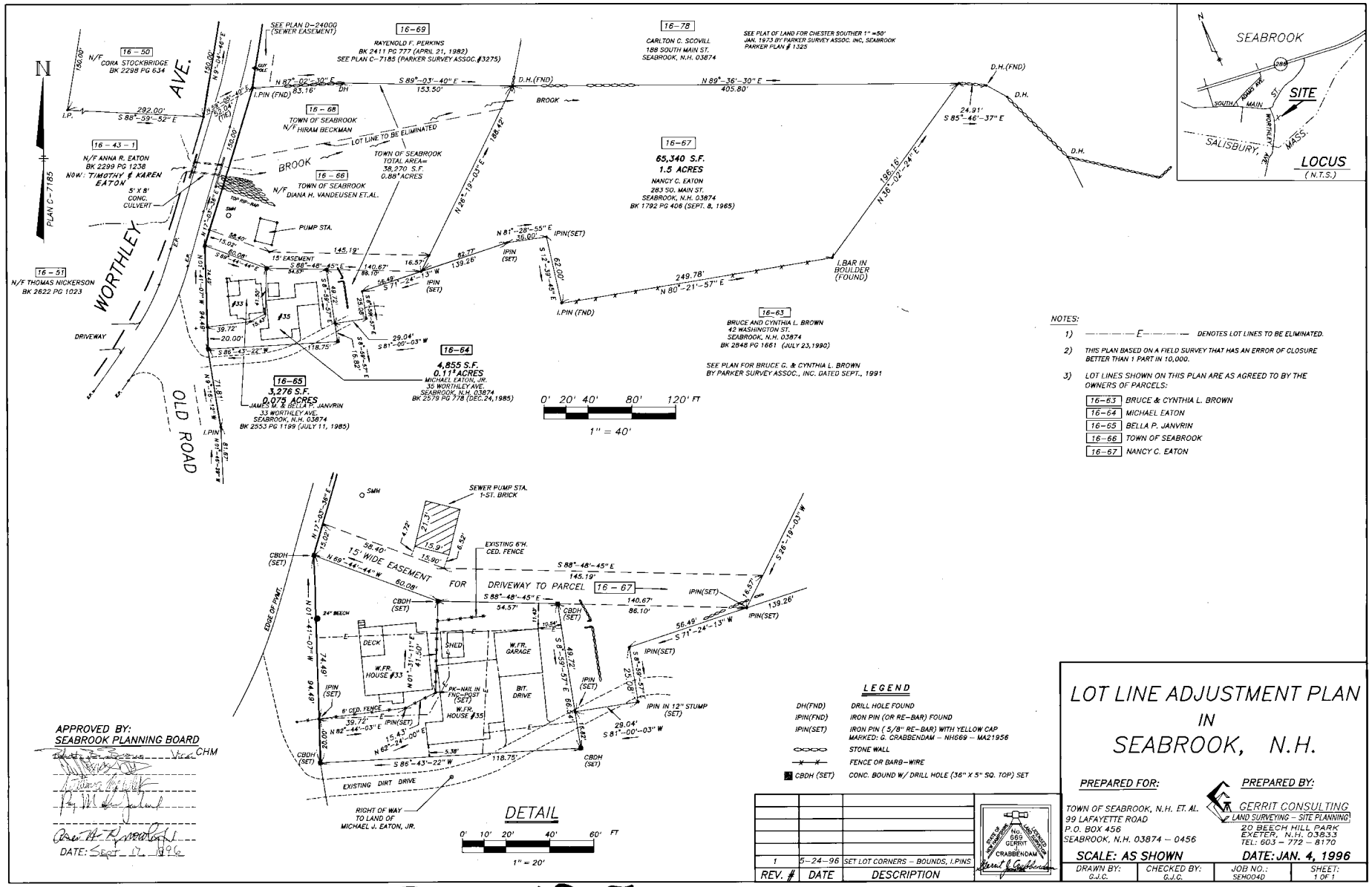
State of New Hampshire Rockingham ss. August 14, A. D. 1958

Personally appeared Ralph C. V. Eaton and Anna R. Eaton know to me, or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Before me, Elizabeth H. Bragg Justice of the Peace.

Rec. & recorded Aug. 18, 9:45 A.M. 1958

Sep 19 1 31 PM '96


N
PLAN C-7185
WORTHLEY AVE.
OLD ROAD
BROOK
DRIVEWAY
16-50 N/F CORA STOCKBRIDGE BK 2298 PG 634
16-43-1 N/F ANNA R. EATON BK 2299 PG 1238 NOW: TIMOTHY & KAREN EATON
16-51 N/F THOMAS NICKERSON BK 2622 PG 1023
16-65 3,276 S.F. 0.075 ACRES JAMES M. & BELLA P. JANVRIN 33 WORTHLEY AVE. SEABROOK, N.H. 03874 BK 2553 PG 1199 (JULY 11, 1985)
16-64 4,855 S.F. 0.11± ACRES MICHAEL EATON, JR. 35 WORTHLEY AVE. SEABROOK, N.H. 03874 BK 2579 PG 778 (DEC. 24, 1985)
16-69 RAYENOLD F. PERKINS BK 2411 PG 777 (APRIL 21, 1982) SEE PLAN C-7185 (PARKER SURVEY ASSOC. #3275)
16-68 TOWN OF SEABROOK N/F HIRAM BECKMAN
16-66 TOWN OF SEABROOK N/F DIANA H. VANDEUSEN ET.AL.
TOWN OF SEABROOK TOTAL AREA= 38,270 S.F. 0.88± ACRES
LOT LINE TO BE ELIMINATED
16-67 65,340 S.F. 1.5 ACRES NANCY C. EATON 283 SO. MAIN ST. SEABROOK, N.H. 03874 BK 1792 PG 406 (SEPT. 8, 1985)
16-78 CARLTON C. SCOVILL 188 SOUTH MAIN ST. SEABROOK, N.H. 03874
16-63 BRUCE AND CYNTHIA L. BROWN 42 WASHINGTON ST. SEABROOK, N.H. 03874 BK 2848 PG 1661 (JULY 23, 1990)
SEE PLAN D-24000 (SEWER EASEMENT)
SEE PLAT OF LAND FOR CHESTER SOUTHER 1" =50' JAN. 1973 BY PARKER SURVEY ASSOC. INC, SEABROOK PARKER PLAN # 1325
SEE PLAN FOR BRUCE G. & CYNTHIA L. BROWN BY PARKER SURVEY ASSOC., INC. DATED SEPT., 1991
PUMP STA.
5' X 8' CONC. CULVERT
15' EASEMENT
I.BAR IN BOULDER (FOUND)
I.P.
I.PIN (FND)
IPIN (SET)
D.H.(FND)
D.H.
SMH
#33
#35
0' 20' 40' 80' 120' FT
1" = 40'
SEABROOK
SITE
SALISBURY, MASS.
LOCUS (N.T.S.)

NOTES:

1) ——E—— DENOTES LOT LINES TO BE ELIMINATED.
2) THIS PLAN BASED ON A FIELD SURVEY THAT HAS AN ERROR OF CLOSURE BETTER THAN 1 PART IN 10,000.
3) LOT LINES SHOWN ON THIS PLAN ARE AS AGREED TO BY THE OWNERS OF PARCELS:

16-63	BRUCE & CYNTHIA L. BROWN
16-64	MICHAEL EATON
16-65	BELLA P. JANVRIN
16-66	TOWN OF SEABROOK
16-67	NANCY C. EATON

LEGEND

DH(FND)	DRILL HOLE FOUND
IPIN(FND)	IRON PIN (OR RE-BAR) FOUND
IPIN(SET)	IRON PIN (5/8" RE-BAR) WITH YELLOW CAP MARKED: G. CRABBENDAM - NH669 - MA21956
	STONE WALL
	FENCE OR BARB-WIRE
■ CBDH (SET)	CONC. BOUND W/ DRILL HOLE (36" X 5" SQ. TOP) SET

APPROVED BY:
SEABROOK PLANNING BOARD

_____ Date _____ Vice CHM
_____
_____
_____
_____
DATE: Sept. 12, 1996

REV. #	DATE	DESCRIPTION
1	5-24-96	SET LOT CORNERS - BOUNDS, I.PINS

NEW HAMPSHIRE LICENSED LAND SURVEYOR No. 669 GERRIT CRABBENDAM

LOT LINE ADJUSTMENT PLAN IN SEABROOK, N.H.

PREPARED FOR:
TOWN OF SEABROOK, N.H. ET. AL.
99 LAFAYETTE ROAD
P.O. BOX 456
SEABROOK, N.H. 03874 - 0456

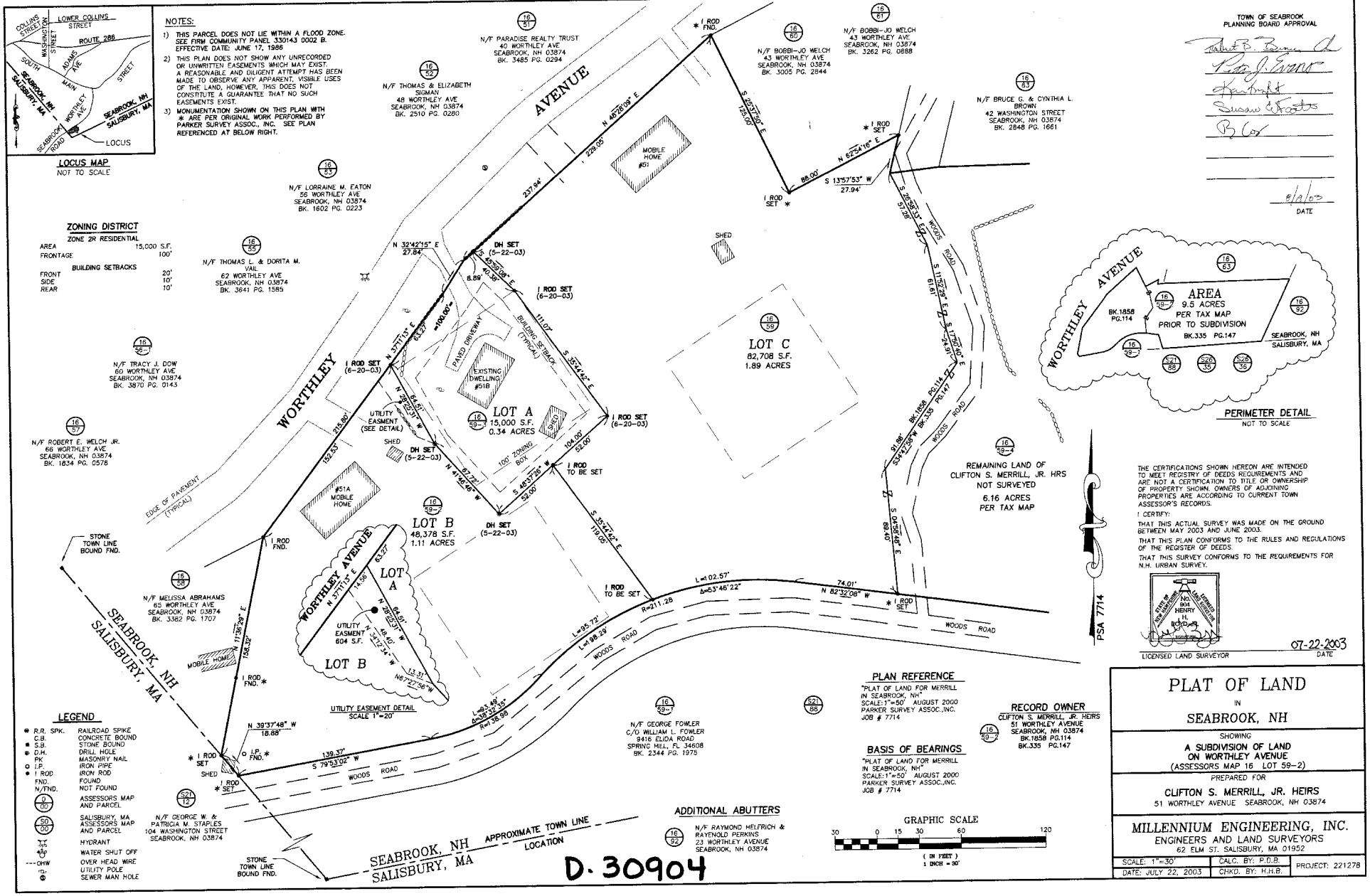
PREPARED BY:
GERRIT CONSULTING
LAND SURVEYING - SITE PLANNING
20 BEECH HILL PARK
EXETER, N.H. 03833
TEL: 603 - 772 - 8170

SCALE: AS SHOWN
DATE: JAN. 4, 1996

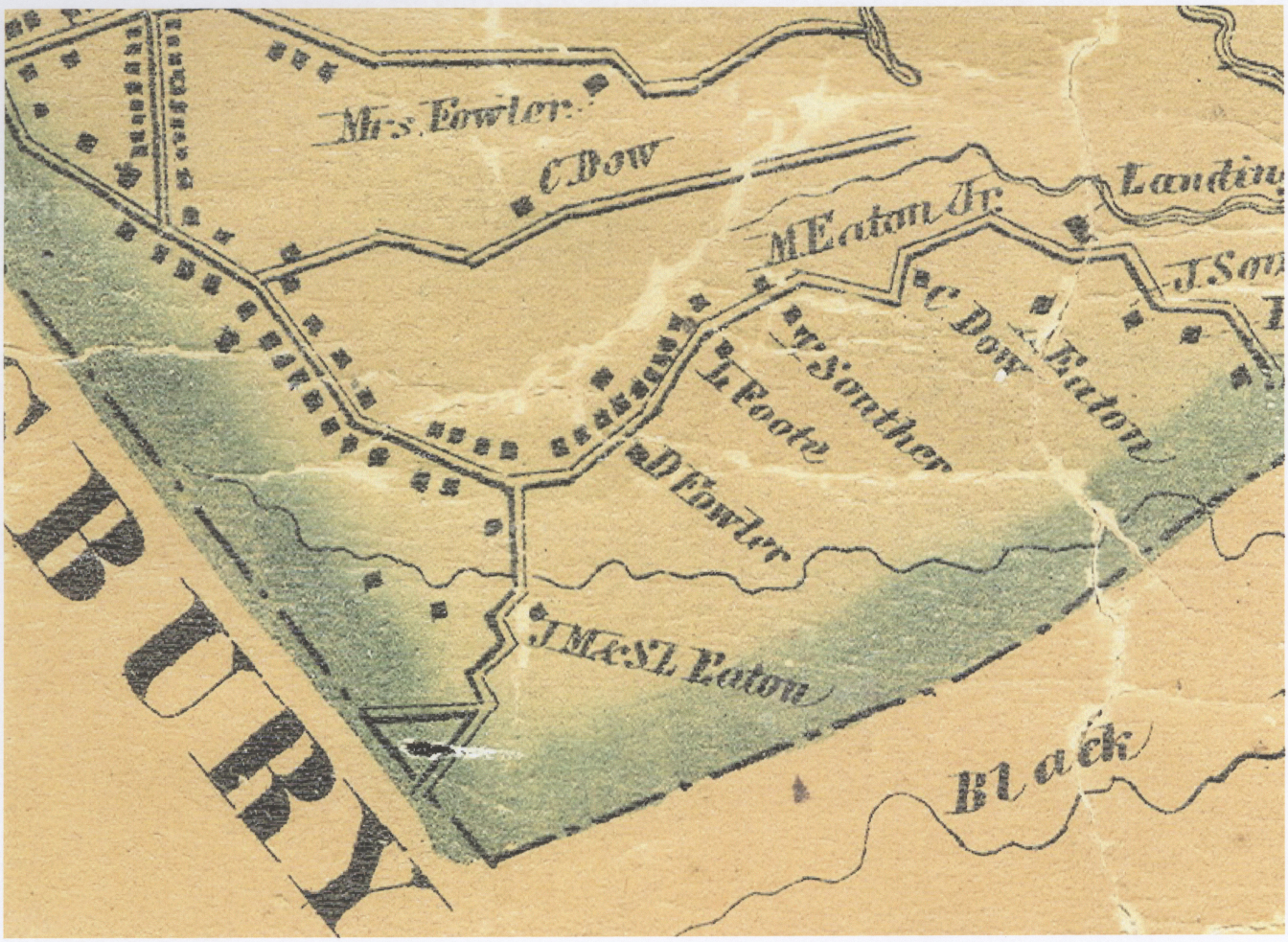
DRAWN BY:	CHECKED BY:	JOB NO.:	SHEET:
G.J.C.	G.J.C.	SEH004D	1 OF 1

D-24907

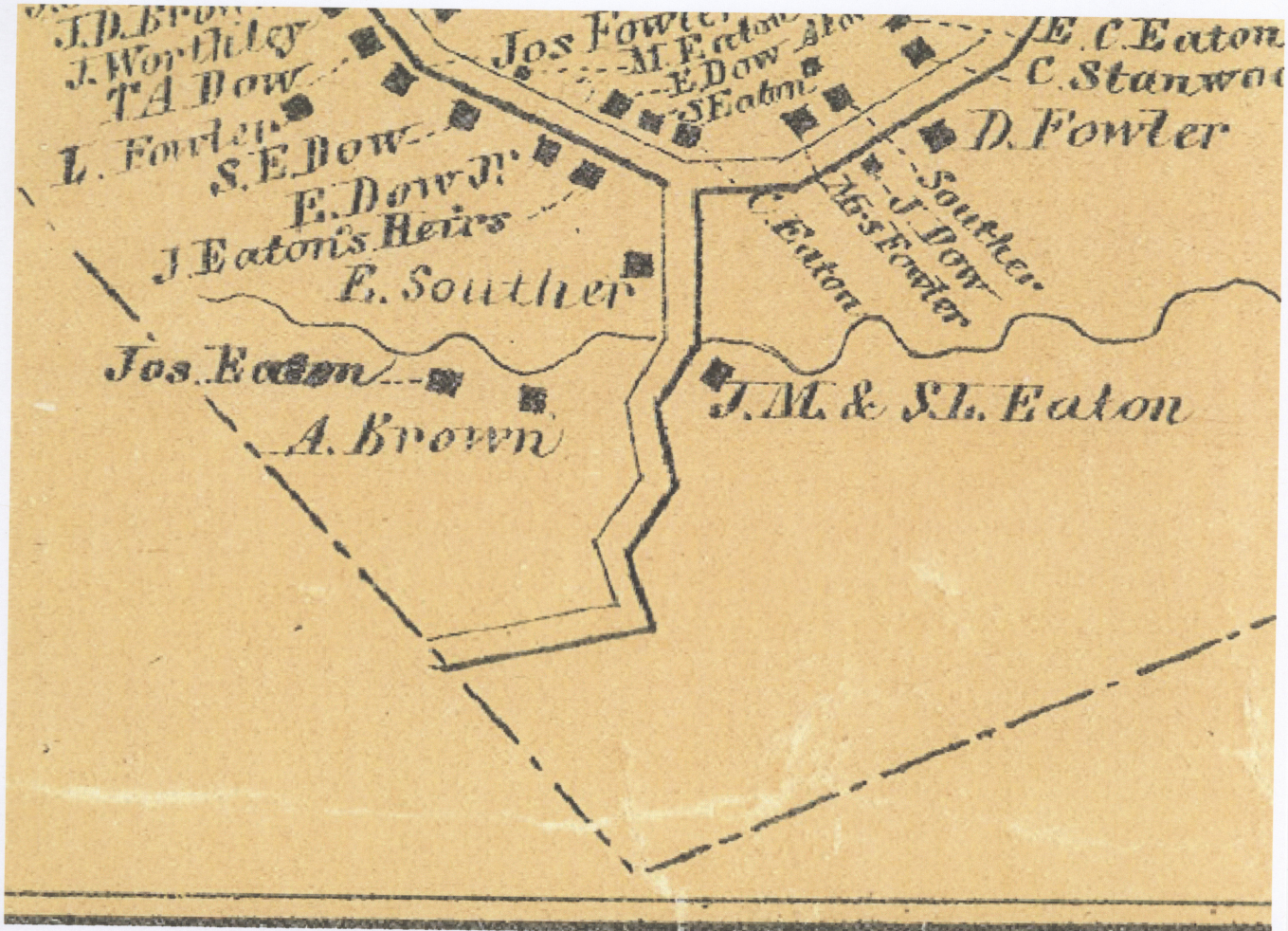
2003 AUG 20 PM 1:43 101858


LOCUS MAP
NOT TO SCALE
NOTES:
1) THIS PARCEL DOES NOT LIE WITHIN A FLOOD ZONE. SEE FIRM COMMUNITY PANEL 330143 0002 B. EFFECTIVE DATE: JUNE 17, 1986
2) THIS PLAN DOES NOT SHOW ANY UNRECORDED OR UNWRITTEN EASEMENTS WHICH MAY EXIST. A REASONABLE AND DILIGENT ATTEMPT HAS BEEN MADE TO OBSERVE ANY APPARENT, VISIBLE USES OF THE LAND, HOWEVER, THIS DOES NOT CONSTITUTE A GUARANTEE THAT NO SUCH EASEMENTS EXIST.
3) MONUMENTATION SHOWN ON THIS PLAN WITH * ARE PER ORIGINAL WORK PERFORMED BY PARKER SURVEY ASSOC., INC. SEE PLAN REFERENCED AT BELOW RIGHT.
ZONING DISTRICT
ZONE 2R RESIDENTIAL
AREA 15,000 S.F.
FRONTAGE 100'
BUILDING SETBACKS
FRONT 20'
SIDE 10'
REAR 10'
WORTHLEY AVENUE
SEABROOK, NH
SALISBURY, MA
LOT A
15,000 S.F.
0.34 ACRES
LOT B
48,378 S.F.
1.11 ACRES
LOT C
82,708 S.F.
1.89 ACRES
EXISTING DWELLING #51B
#51A MOBILE HOME
MOBILE HOME #51
PAVED DRIVEWAY
SHED
UTILITY EASEMENT (SEE DETAIL)
100' ZONING BOX
BUILDING SETBACK (TYPICAL)
EDGE OF PAVEMENT (TYPICAL)
I ROD SET (6-20-03)
DH SET (5-22-03)
I ROD TO BE SET
I ROD FND.
STONE TOWN LINE BOUND FND.
N/F PARADISE REALTY TRUST 40 WORTHLEY AVE SEABROOK, NH 03874 BK. 3485 PG. 0294
N/F BOBBI-JO WELCH 43 WORTHLEY AVE. SEABROOK, NH 03874 BK. 3005 PG. 2844
N/F BOBBI-JO WELCH 43 WORTHLEY AVE. SEABROOK, NH 03874 BK. 3262 PG. 0888
N/F THOMAS & ELIZABETH SIGMAN 48 WORTHLEY AVE SEABROOK, NH 03874 BK. 2510 PG. 0280
N/F BRUCE G. & CYNTHIA L. BROWN 42 WASHINGTON STREET SEABROOK, NH 03874 BK. 2848 PG. 1661
N/F LORRAINE M. EATON 56 WORTHLEY AVE SEABROOK, NH 03874 BK. 1602 PG. 0223
N/F THOMAS L. & DORITA M. VAIL 62 WORTHLEY AVE SEABROOK, NH 03874 BK. 3641 PG. 1585
N/F TRACY J. DOW 60 WORTHLEY AVE SEABROOK, NH 03874 BK. 3870 PG. 0143
N/F ROBERT E. WELCH JR. 66 WORTHLEY AVE SEABROOK, NH 03874 BK. 1834 PG. 0578
N/F MELISSA ABRAHAMS 65 WORTHLEY AVE SEABROOK, NH 03874 BK. 3382 PG. 1707
N/F GEORGE W. & PATRICIA M. STAPLES 104 WASHINGTON STREET SEABROOK, NH 03874
N/F GEORGE FOWLER C/O WILLIAM L. FOWLER 9416 ELIDA ROAD SPRING HILL, FL 34608 BK. 2344 PG. 1975
REMAINING LAND OF CLIFTON S. MERRILL, JR. HRS NOT SURVEYED 6.16 ACRES PER TAX MAP
WOODS ROAD
LEGEND
R.R. SPK. RAILROAD SPIKE
C.B. CONCRETE BOUND
S.B. STONE BOUND
D.H. DRILL HOLE
PK MASONRY NAIL
I.P. IRON PIPE
I ROD IRON ROD
FND. FOUND
N/FND. NOT FOUND
ASSESSORS MAP AND PARCEL
SALISBURY, MA ASSESSORS MAP AND PARCEL
HYDRANT
WATER SHUT OFF
OHW OVER HEAD WIRE
UTILITY POLE
SEWER MAN HOLE
UTILITY EASEMENT DETAIL
SCALE 1"=20'
PLAN REFERENCE
"PLAT OF LAND FOR MERRILL IN SEABROOK, NH" SCALE: 1"=50' AUGUST 2000 PARKER SURVEY ASSOC., INC. JOB # 7714
BASIS OF BEARINGS
"PLAT OF LAND FOR MERRILL IN SEABROOK, NH" SCALE: 1"=50' AUGUST 2000 PARKER SURVEY ASSOC., INC. JOB # 7714
RECORD OWNER
CLIFTON S. MERRILL, JR. HEIRS 51 WORTHLEY AVENUE SEABROOK, NH 03874 BK.1858 PG.114 BK.335 PG.147
ADDITIONAL ABUTTERS
N/F RAYMOND HELFRICH & RAYENOLD PERKINS 23 WORTHLEY AVENUE SEABROOK, NH 03874
GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 INCH = 30'
TOWN OF SEABROOK PLANNING BOARD APPROVAL
DATE
AREA 9.5 ACRES PER TAX MAP PRIOR TO SUBDIVISION BK.335 PG.147
BK.1858 PG.114
PERIMETER DETAIL
NOT TO SCALE
THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND ARE NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT TOWN ASSESSOR'S RECORDS.
I CERTIFY:
THAT THIS ACTUAL SURVEY WAS MADE ON THE GROUND BETWEEN MAY 2003 AND JUNE 2003.
THAT THIS PLAN CONFORMS TO THE RULES AND REGULATIONS OF THE REGISTER OF DEEDS.
THAT THIS SURVEY CONFORMS TO THE REQUIREMENTS FOR N.H. URBAN SURVEY.
STATE OF NEW HAMPSHIRE LICENSED LAND SURVEYOR NO. 994 HENRY H. BOYD JR.
LICENSED LAND SURVEYOR
07-22-2003
DATE
PSA 7714
PLAT OF LAND
IN
SEABROOK, NH
SHOWING
A SUBDIVISION OF LAND ON WORTHLEY AVENUE
(ASSESSORS MAP 16 LOT 59-2)
PREPARED FOR
CLIFTON S. MERRILL, JR. HEIRS
51 WORTHLEY AVENUE SEABROOK, NH 03874
MILLENNIUM ENGINEERING, INC.
ENGINEERS AND LAND SURVEYORS
62 ELM ST. SALISBURY, MA 01952
SCALE: 1"=30'
CALC. BY: P.D.B.
DATE: JULY 22, 2003
CHKD. BY: H.H.B.
PROJECT: 221278

D.30904



1857 WALL MAP



1892 ATLAS

N. H. HIGHWAY DEPT. Sheet..... Of.....

RIGHT OF WAY SOURCE RECORDS

..... Highway T. L. S. A. Taken from Town of Seabrook

Seabrook records (Town)
1866-1884 (County)
General Court Sessions Records

Book 5, Page 604, Year.....

Width .....

EXTRACT

September 24.1883
Petition of Jacob F.Dow and 30 others to the Selectmen of Seabrook for a new highway in said town beginning at a stake and stones on the westerly side of the road opposite the house of Simeon L.Eaton 58 feet northerly of the south easterly corner of the field land of said Eaton and thence in a south westerly direction on land of said Eaton and land of Abram Brown to a stake and stones on the southerly line of said town and by the division fence between land of Simeon L.Eaton and land of Abraham Brown in said town.

We therefore lay out a new highway as requested in said petition;- Beginning at a stake on the westerly side of the road opposite the homestead of Simeon L.Eaton in said Seabrook 58 feet northerly from the south easterly corner of field land of said Simeon L.Eaton, thence over and upon land of said Eaton S.64 deg. W.16 rods to a stake; thence over and upon land of said Eaton S.53 deg.W.8 rods to a stake; thence over and upon land of said Eaton S.36 deg.W.4 rods to a stake; thence over and and upon land of Abraham Brown on the same course 11 rods to a stake; thence over and upon land of said Brown S.57 deg.W.12 rods to a stake on the State Line.

5637

The above described line is to be the north westerly side of the highway and the old stone wall to be the south easterly side.

And we award damages to the respective owners of the land over which the said highway is laid to be paid by said town;- Simeon L.Eaton $70.00; Abram Brown $57.50

October 30.1883

February 23 1884 Warrant See page 610
Article 13. To see if the town will discontinue the old road from Simeon L.Eaton's to the State Line.

March 11.1884 Town Meeting. See page 615
Voted to discontinue the road named in Article 13.

Copied from original records and checked by OEJ

N. H. HIGHWAY DEPT. Sheet..... Of.....

RIGHT OF WAY SOURCE RECORDS

..... Highway T. L. S. A. Town of Seabrook

Taken from

Seabrook Town Records ..... Town
1866- 1884 ..... County
General Court Sessions Records .....

-- Book 5, Page 399, Year .....

Width .....

EXTRACT

May 31. 1877

Petition of Simeon E. Dow and others to the Selectmen of Seabrook to widen and straighten the highway leading from the residence of Christopher Eaton to the residence of Simeon L. Eaton in said town.

We widen and straighten the same;- Beginning at a large stone at the west side of the traveled part of said highway at the south easterly corner of the field of Simeon L. Eaton and south westerly of his dwelling house, thence N.5 deg.W. upon said road and through land of said Eaton ~~and land of the heirs of~~ 9 rods and 13 links to a stake; thence N.7 deg.E. upon said road and through land of said Eaton and land of the heirs of Jeremiah Eaton 4 rods to a stake; thence N.24 deg.E. upon said road and through land of the heirs of Jeremiah Eaton and land of Simeon L. Eaton 6 rods and 10 links to a stake; thence N.2 deg.E. upon said road and through land of said Simeon L. Eaton 6 rods to a stake; thence N.2 deg.E. upon said road and through land of said Simeon L. Eaton and land of the heirs of Emanuel Souther and land of Christopher Eaton 8 rods and 18 links to a stake; thence N.7 deg.W. upon said road and through land of said Christopher Eaton 8 rods and 21 links to a stake; thence N.2 deg.W. upon said road and through land of said Christopher Eaton, land of Henry Eaton and land of Simeon L. Eaton 18 rods and 15 links to a stake by the Band Stand at the westerly side of the said road.

5836

The line above described to be the middle of the highway and the said highway to be THREE RODS WIDE.

And we award damages to the respective owners of the land over which the said highway is widened and straightened the following sums to be paid by the town;-

Simeon L. Eaton	$30.44;	Jeremiah Eaton heirs,	$4.65
Christopher Eaton	$16.40;	Emanuel Souther heirs	.80
Henry Eaton	.90		

August 1877.

September 24. 1881 See page 542

Petition of Washington Eaton and 44 others to the Selectmen of Seabrook to widen and straighten the existing highway in said town leading from the Walton Road southerly to Collins Road, so called.

We therefore widen and lay out;- Beginning at a point in the highway opposite the dwelling house of Samuel E. Staples one and one half rods easterly of the north easterly corner of the field of Robert Collins, thence S.12½ deg.W. upon the highway and on the land of Samuel E. Staples 20 rods to a stake; thence S.1½ deg.W. upon said road and on land of Washington Eaton in part, partly on land of Eben Fowler partly on land of Richard Fowler and partly on land of Robert Collins 20 rods and 4 links to a stake; thence S.12½ deg.W. upon said road and partly on land of Richard Fowler and on land of said Eben Fowler 6 rods and 11 links; thence S.13½ deg.W. upon said road and partly on land of Richard Fowler, partly on land of Willard A. Fowler, partly on land of Jonathan Walton and on land of George W. Locke 20 rods and 12 links.

5836

The line above described to be the middle of the highway and the said highway is to be THREE RODS WIDE.

And we award damages to the respective owners of the land over which the said highway is laid out as widened and straightened to be paid by the town as follows;-

Samuel E. Staples	$21.00;	Washington Eaton	$12.00
Eben Fowler	$25.00;	Richard Fowler	$14.00
Jonathan Walton	$18.00;	George W. Locke	$16.00
Robert Collins	$5.00;	Willard Fowler	$2.00

October 21. 1881

Copied from original records and checked by OBJ

DrummondWoodsum
ATTORNEYS AT LAW

CONFIDENTIAL MEMORANDUM

TO:	Bill Manzi, Seabrook Town Manager; Tom Morgan, Town Planner; Anne W. Bialobrzeski (tax maps)
FROM:	Keriann Roman
DATE:	August 10, 2023
RE:	Worthley Ave Lot Line

ISSUE: Who owns the abandoned portion of Worthley Ave? Can the Town convey this area to abutting landowners?

ANSWER: The Town still has Right of Way rights over the abandoned portion of Worthley Ave. If properly discontinued by a Town Meeting vote, the Town can convey this area to abutting landowners solely by a "Deed Without Covenants" which merely is a Deed conveying whatever rights, if any, the Town has. This is because without an extensive and expensive title and heir search, we do not know who actually has title to the land underlying the abandoned portion of Worthley Ave. 1.

RECOMMENDATIONS: (1) Leave it as is, retaining the Town's right of way rights over the area, the area would currently be considered a Class VI road over which the public has the right to traverse but the Town does not have an obligation to maintain. Still, it is considered a Town road. (2) Properly discontinue this portion via a vote at Town Meeting and convey the parcels to abutting landowners by Deed Without Covenants. 1.

ANALYSIS:

After review of all the historical documents and some research on the Registry, I agree with everything Tocky has concluded, as summarized below:

What's identified as parcels 16-59-10, 16-60-10, 16-61-10 and 16-62-10 in the unrecorded 2004 Lot Line Adjustment Plan (attached) constitute portions of the abandoned portion of Worthley Ave when it was moved/straightened as a result of a conveyance of land by Ralph C.V. Eaton in 1958. See attached 1958 plan of new section of Worthley Ave. This left the abandoned portion of Worthley Ave as a Class VI Town Road. 2.

In an apparent effort to address this abandoned land, in 2004, the Town Meeting passed warrant article 37 "to authorize the Board of Selectmen to convey by deed to the direct abutters those portions of the abandoned highway right of way that was abandoned by the reconstruction of Worthley Avenue." This was not a proper or legal

discontinuance of this portion of the road. Also in 2004, the Town commissioned a Lot Line Adjustment Plan, which does not appear to have been approved by the Planning Board, for purposes of conveying the abandoned area to the abutting landowners at lots 16-59, 16-60, 16-61 and 16-62. This Lot Line Adjustment Plan was never recorded, and per Tocky, needs revisions in order to be a recordable document. In February of 2023, in line with the Lot Line Adjustment Plan, the Town conveyed a portion of the abandoned area identified as Lot 16-62-10 to the abutting landowner, Kellie Brown at 16-62-0 by Quitclaim Deed.

In order to convey this abandoned area, two things must happen:

1. This abandoned area of Worthley Ave. must be properly discontinued by the Town following the RSA. I reviewed the available Town Reports online and could not find that the Town ever properly discontinued this portion of Worthley Ave. by Town Meeting vote.
2. Ideally, the owner of the underlying land in the abandoned area should be determined; there are 3 possibilities of ownership: the Town; the original landowner when this now-abandoned section of Worthley Ave. was initially laid out likely sometime between 1892 and 1958; or the current abutting property owners.

Discontinuance Process:

"The mere fact that a highway has been physically abandoned, and trees have been allowed to grow in the right of way, has never been held to constitute a termination of the highway. . . . As the law stands today, the only legal consequence of nonuse and non-maintenance is to convert the highway to Class VI, and not to discontinue it."[1]

I found no evidence of a Town Meeting discontinuance in the Town Annual Reports of this abandoned section of Worthley Ave.

The discontinuance process would require a warrant article and Town Meeting vote. RSA 231:43.

Owner of Underlying Land:

"[A] public highway is simply an easement held in trust by government for the use of the public. The underlying land is usually, though not always, owned by abutting landowners. . . . It is possible for a municipality to also own title to the land over which the highway (easement) runs, but that's usually not true. Even when the municipality owns title to the land, the notion of a 'public highway' is still a totally separate issue from ownership. Think of a road, legally, as two distinct layers – one layer being its ownership status and the other layer being its highway status. A municipality can own a strip of land without that land being a public highway. Conversely, a strip of land can be

[1] "A Hard Road to Travel: New Hampshire Law of Local Highways, Streets, and Trials 2022", NHMA (2022).

a public highway while the layer under the highway (the land) is owned by someone other than the municipality."[2]

"Since a highway is only a public easement, the title to the land underneath (the 'freehold,' 'fee simple' interest or 'right of soil' as it is called in old cases) is presumed to belong to the owners over whose land the highway was created, or their successors."[3]

Given the timeframe of when the abandoned portion of Worthley Ave. must have been created, it is very likely that it was created through the statutory layout process, 5. which requires a petition to the Board of Selectmen. However, no such layout of the abandoned portion of Worthley Ave. could easily be found. (Tocky located an 1877 6. petition to straighten the first part of Worthley Ave - where it connects to South Main - referencing an existing highway; however, an 1857 Seabrook Wall Map does not show 7. the existence of the abandoned portion of Worthley Ave. that is at issue). If the original Worthley Ave. was the result of a layout, then the owner of the abandoned area could either be the heirs of the original landowner in the 1800s, or the current abutting landowners, depending on their historical property titles.

After *some* research (not wanting to create a large legal bill), I could not determine 8. when Worthley Ave. was initially laid out or who the original landowner was, although it seems likely it was one of the Eaton family members. The Town could retain a title examiner to determine Worthley Ave.'s origins. This could run $300 - $750, or more depending on the extent of the research required.

CONCLUSION

The Town could just leave things as they are and consider the abandoned area as a 9. Class VI road – the Town can do this even if abutting landowners have encroached upon the area, as there is no adverse possession as against the Town's right of way rights. A Class VI classification means a highway which has "not been maintained and repaired by the town in suitable condition for travel thereon for 5 successive years or more." RSA 229:5, VII. The Town is not obligated to maintain Class VI roads and has no duty of care with regard to its condition. RSA 231:93 (" Municipalities shall not be deemed to have any duty of care whatsoever with respect to the construction, maintenance or repair of class . . . VI highways,"). However, this area would remain a town road.

Alternatively, the Town could include a warrant article on the 2024 Town Warrant to discontinue this abandoned section of Worthley Ave.: "To see if the Town will vote to discontinue completely a portion of Worthley Ave., currently a Class VI highway, abandoned in 1953/54 as a result of the reconstruction of Worthley Ave., the 10

[2] Id. 11
[3] Id.

DRAFT

discontinued portion is reflected as lots 16-59-10, 16-60-10, 16-61-10, and 16-62-10 on the 'Lot Line Adjustment Plan Worthley Avenue' dated March 8, 2004 located in the Town Clerk's office. The area to be discontinued is set forth as follows: Beginning at a point . . . . " The Town should also include a second Warrant Article: "To see if the Town will vote to authorize the Board of Selectmen to convey lots 16-59-10, 16-60-10, 16-61-10, and 16-62-10 as shown on the 'Lot Line Adjustment Plan Worthley Avenue' dated March 8, 2004 located in the Town Clerk's office to the respective abutting landowners. If Article ____ fails, this Article shall be moot and void." 12!

Following a successful vote at the Town Meeting, the Town can then convey these parcels to the abutting landowners via a "Deed Without Covenants" which means the Town is not certifying that it has good title but is conveying whatever rights, if any, it does have in the area. If the property owners wanted to ensure good title, it would then be on them to file a Petition to Quiet Title in the Superior Court. Conveying via this type of deed is sufficient, I do not see a legal necessity to revise/update and record the Lot Line Adjustment Plan, so long as it is permanently kept on record at the Town Clerk's office, as it is being used merely for reference. 12! 12/13

For the parcel "16-62-10" that was already conveyed out to Kellie Brown, I recommend just leaving that alone if the Town decides to do nothing and leave the area as a Class VI road. The Town did not have legal authority to make this conveyance without a legal discontinuance. However, unless someone challenges the Town's authority, nothing will come of it, although note that Ms. Brown's title to this area is not clear title. If someone does challenge the Town's authority, note that we will have to work out a resolution with Ms. Brown. If the Town opts to formerly discontinue the abandoned area, then we can do a corrective subsequent deed referencing the discontinuance vote. 14

Both of the above options have pros and cons associated with them, the Town will have to determine how it wants to proceed.

15

DRAFT

Tocky's preliminary comments re: Keri's memo 08-10-23

1. Quitclaim or not, I do not agree that we can or should "convey" any specific area to abutting landowners for several reasons which I hope will be explained by the time I finish these comments.
2. Wondering if the town would need to (or should) declare Class VI status by some action if "leave things as they are" option is chosen (not likely).
3. This is not relevant, but I would love to talk to you (Keri) about the NR plan situation at Rockingham County Registry, which I think is illegal.
4. There are 2 abandoned roadway areas shown on this plan, both abutting 16-62-0. One was created by the 1958 relocation of Worthley Ave and the other was discontinued in 1884 when the "new road" was laid out.
5. The area of Worthley Ave that we are looking at most certainly dates from the 1700's when this area was part of Salisbury (MA), so applying the statutory layout process might be problematic at best. Since the statutory layout process originated out of common law, I think this is the right idea, though.
6. I did? Can you refresh my memory?
7. The 1857 wall map does show the discontinued portion of Worthley Ave that also abuts 16-62-0 (see note 4).
8. The "new road" at this locus was laid out through land of Simeon L. Eaton in 1883, who I believe also owned on both sides of the section in front of 16-60-0, 16-61-0, and 16-62-0. The land from which these lots are sourced was conveyed by Robert Worthley to Charles A. Eaton in 1925 (RCRD 798-221), with the presumption that his interest in half of the road went with it. Ralph C.V. Eaton, who conveyed to the Town in 1958, presumably owned the other half but didn't know it. Fodder for a nice Quiet Title action, I agree.
9. I'd say the people the Town gave a deed to have a legitimate beef and could try to exercise it so I don't think the "leave things as they are" option is wise.
10. Curious why you say Worthley Ave was reconstructed in 1953/54 when the deed was 1958. Either you know something I don't or I forgot something again (entirely possible).
11. In the olden days, we wrote Ibid… is this the new thing?
12. Yikes, I absolutely <u>do not</u> think we should be conveying anything by the plan. Gerrit Crabbendam was a fine surveyor, was probably acting on specific instructions from the Town, and would probably agree with me about this. The discontinuance effected by a Town vote (which I agree is necessary) should be legally sufficient to extinguish any Town title/rights in the land between the lots and the current road. Layering an actual quitclaim deed on top of that creates a further complication (see note 13).
13. The problems with the plan: 1. There is other abandoned roadway affecting several other property owners that is not included on the plan, and I do not think it proper to address the discontinuance as to some affected owners and not others. 2. There is also

discontinued roadway affecting both 16-61-0 and 16-62-0 as well as other owners that is not addressed by the plan, a further complication that supports my suggestion that the plan should be abandoned.

14. I think the Town should acknowledge an obligation to work out a resolution with Ms. Brown as she has worked hard for a long time and gone to some expense to clear up her title to no avail.
15. My quick and dirty recommendations:

A. A Warrant article and vote should be taken to discontinue the abandoned section of Worthley Avenue created in 1958. The description in the Article should be simply and carefully worded to include all affected landowners (and not include reference to the 2004 plan).
B. I do not think an additional deed should be executed by the town.
C. The affected landowners should get some free advice from the Town to make up for past confusion, which might include:
    1. If a Quiet Title action is determined to be necessary, all affected owners could petition as a group.
    2. A new survey and plan showing all of the relevant abandoned and discontinued roadway areas and how they should be apportioned based on legal precedent or by agreement.
    (not a subdivision or subject to Town approval in my opinion)

Thank you, Keri. This has really helped me organize my thoughts.
Call anytime.
Tocky 603 765-8918

Thank you Tocky for your comments, this is a really messy issue and you are definitely an expert in this area which helps me to focus on the forest through the trees here!

To answer Tocky's comments, and without doing a really deep dive and incurring significant legal fees for the Town, I think the best option is to just officially discontinue the areas of Worthley Ave that were abandoned. The Town can then just leave it alone and not convey to abutters via a Deed Without Covenants – I was only offering that because I wanted to try and address the tax map situation. The problem with discontinuing and doing nothing more is we have no legal record then of who actually owns the discontinued areas and therefore we can't tax those areas to anyone or indicate on a tax map who owns it. Tocky – is there a way to identify such unknown owner areas?
I would say by survey and apportionment as noted in my first comment 15.C.2. The owners would be responsible for this. This is not the only untaxed land in Town and I don't think it would present a significant assessment/taxation issue, especially since it has been untaxed all along.

After all this time, even if the original owner of the underlying land retained fee simple rights, if any of the abutters did a Quiet Title Action in superior court, it's likely the Court would grant them fee simple rights unless living heirs of the underlying land from the 1800's could be clearly identified. But the Town does not have standing to pursue a Quiet Title action on their behalf even if we wanted to. My comment 8. suggests that we are dealing with title only back to 1925 and/or 1958.

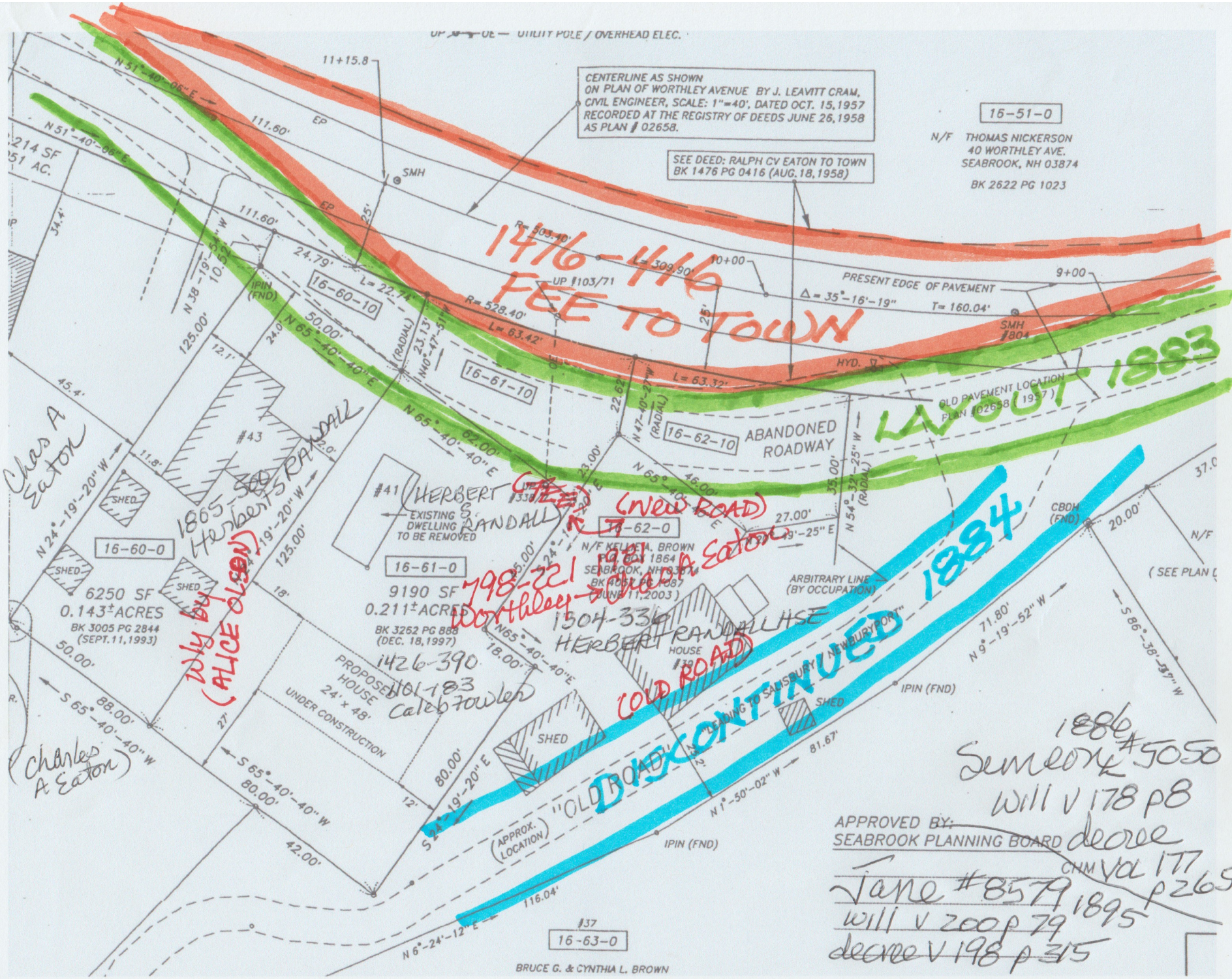
As for the parcel that the Town conveyed to Kellie Brown, I was not aware that she has already tried to clear up her title/had title issues? Our options there are limited, we could have Kellie convey back to the Town whatever rights the Town had given her (that would remove the parcel from her ownership and clear up title) or Kellie could do her own Quiet Title Action and we could just be very cooperative and give her everything we have to help that matter. Or she can leave it alone, because it is very unlikely anyone is going to challenge her rights to that parcel. Apportionment of discontinued roadway by legal precedent would presume projection of existing lot lines rather than "the parcel" on the plan, so I think it would be best to start over to clean this up properly. Any surveyor would prefer that the several owners get together and agree as to how best to run the lines. If other than a legally derived boundary conclusion, it might be wise to run the resolution through the Planning Board. The problem I see is not being able to get everyone to participate.

Finally, this may not be a popular opinion but I want to give you my legal opinion nonetheless – when a Town abandons a Right of Way, the Town has no obligation to underlying land owners or abutters to figure out who owns the fee. I agree 100% (with the caveat that in this case the Town is not totally blameless for the current situation and might want to help in some way for that reason).

The strange thing about all this is that I did quite a bit of research for the Welch's (16-60-0 and 16-61-0) in 2007. I can't remember exactly why they hired me or what they did with the information I collected, but I did correspond with Gerritt Crabbendam at the time, and he sent me a plan he did for the Welch's in 2002. Not sure why the Town did what it did or on whose advice. So far I'm including our correspondence in my annual tax map work, but digging into the 2007 rabbit hole would be a separate task that would require additional billing.

1" = 200'
Jacob Dow
christopher eaton
AREA OBSCURED
1877
335-147
1 AC
Bldg 1849
2 AC
334-451
1883
HOUSE
Simeon L Eaton
Dwelling 1877
Eaton
Simeon to
Simeon L & Jeremiah
Eaton
1848 332-221
35 AC
10 AC
Simeon to
Simeon L & Jeremiah
1848
humility path?
OLD RD
DISCONTINUED
1884
NORTHWESTERLY SIDELINE DESCRIBED
SOUTHEASTERLY SIDELINE DESCRIBED

GRAVELLY RIDGE
B2 1848 10 AC RESERVE LIFE ESTATE
JANE M.
BRICK
JANE M to ROBT WORTHLEY 569-442 1888
June 1849
NEW RD
ABRAM BROWN
Simeon Eaton → Abram Brown 334-393 57 1849
STRAIGHT LINE
NORTHWESTERLY SIDELINE DESCRIBED
SOUTHEASTERLY SIDELINE DESCRIBED
HOUSE
AREA OBSCURED
B1 35 AC 1848 RESERVING LIFE ESTATE
46x68 1928
C1
May 1849
10 AC
6½ AC 545-371 Estate Jeremiah to Simeon L 6½ AC 1875
RD to Trues Meadow
198-221
Simeon L. Eaton #5050 NS 7/13/1886 will 1881 all to wife Janem Eaton



UP — OE — UTILITY POLE / OVERHEAD ELEC.
CENTERLINE AS SHOWN ON PLAN OF WORTHLEY AVENUE BY J. LEAVITT CRAM, CIVIL ENGINEER, SCALE: 1"=40', DATED OCT. 15, 1957 RECORDED AT THE REGISTRY OF DEEDS JUNE 26, 1958 AS PLAN # 02658.
SEE DEED: RALPH CV EATON TO TOWN BK 1476 PG 0416 (AUG. 18, 1958)
16-51-0
N/F THOMAS NICKERSON 40 WORTHLEY AVE. SEABROOK, NH 03874
BK 2622 PG 1023
1476-416 FEE TO TOWN
LAYOUT 1883
PRESENT EDGE OF PAVEMENT
Δ = 35°-16'-19"
T= 160.04'
OLD PAVEMENT LOCATION PLAN #02658 (1957)
ABANDONED ROADWAY
16-62-10
16-61-10
16-60-10
16-60-0
16-61-0
16-62-0
16-63-0
#43
#41
#37
Chas A Eaton
1865-500 Herberts RANDALL
Wly by (ALICE OLSEN)
(HERBERT S. RANDALL)
EXISTING DWELLING TO BE REMOVED
(New ROAD)
798-221 1981 Worthley → Chas A Eaton
1504-336 HERBERT RANDALL HSE
(OLD ROAD)
DISCONTINUED 1884
6250 SF 0.143± ACRES
BK 3005 PG 2844 (SEPT. 11, 1993)
9190 SF 0.211± ACRES
BK 3262 PG 888 (DEC. 18, 1997)
1426-390 101-183 Caleb Fowler
PROPOSED HOUSE 24' x 48' UNDER CONSTRUCTION
N/F KELLIE A. BROWN
ARBITRARY LINE (BY OCCUPATION)
LEADING TO SALISBURY / NEWBURYPORT
"OLD ROAD" (APPROX. LOCATION)
(Charles A Eaton)
BRUCE G. & CYNTHIA L. BROWN
APPROVED BY: SEABROOK PLANNING BOARD
CHM
1886 Semeon #5050 will v 178 p8 decree Vol 177 p265
Jane #8579 1895 will v 200 p 79 decree v 198 p 315

Gmail Stockton Services <stockton752@gmail.com>

Worthley Ave Lot Line Change plan 2004

17 messages

Stockton Services <stockton752@gmail.com> Wed, Jun 21, 2023 at 3:33 PM
To: wmanzi@seabrooknh.org
Cc: Tom Morgan <tzm7@mac.com>

Mr. Manzi,

As part of my work to update the Tax Maps, I have encountered an obstacle.
I had a conversation with Tom Morgan this morning and he agrees that we have some legal issues with the attached conveyance that need to be addressed, including the following:

1. A lot line change requires a recorded plan. This plan was never recorded and is currently not recordable for a number of reasons.
2. The land described in the deed is part of an old road that was laid out and never owned by the Town in fee; it therefore could properly be conveyed by the Town as the parcel or tract described in the deed.
3. The 2004 Town vote authorizing the conveyance was improper in that it should have been a simple discontinuance of the abandoned portion of the road that extinguished the public rights. Fee title to the discontinued roadway would accrue to the heirs and assigns of the original owners at the time of layout, presumably (although not necessarily) the current adjacent owners.
4. Since the abandoned section of the road was not discontinued as required, it is arguable that the public rights might actually still exist.

Only one of the several parcels shown on the plan has been conveyed to the best of my knowledge, and Tom and I are in agreement that this needs to be fixed before the Town makes any more conveyance errors.
I have some more research information relevant to the issue and am writing to ask your permission and/or authorization to follow Tom's suggestion and reach out to Keri Roman for her advice as to the best way to resolve this.

I have attached a document containing the plan in question, an older plan that is relevant, and part of the deed which gives rise to my request. I'm happy to come and meet with you first if that is your preference, or I can compile some more research and send it on to Ms. Roman. I would do my best to minimize her time on this but I know we need legal advice here, and Tom feels that she is best suited for this specific issue.

Please let me know what you would like me to do.
My cell is 603 765-8918, call anytime.
Thank you,
Tocky B

--
"Failing to be part of the solution makes us part of the problem."

Anne W, Bialobrzeski
NHLLS #752
NHDES Septic Designer #348
Stockton Services
603 929-7404

Worthley Ave to Tom M 06-21-23.pdf
5847K

William Manzi <wmanzi@seabrooknh.org> Wed, Jun 21, 2023 at 3:44 PM
To: Stockton Services <stockton752@gmail.com>
Cc: Tom Morgan <tzm7@mac.com>

Thank you Tocky,

Let's send it along to Keri.

Best,

Bill

Sent from my iPhone

> On Jun 21, 2023, at 3:34 PM, Stockton Services <stockton752@gmail.com> wrote:
>
> [Quoted text hidden]
> <Worthley Ave to Tom M 06-21-23.pdf>

Keriann Roman <KRoman@dwmlaw.com> Thu, Jun 22, 2023 at 2:01 PM
To: "stockton752@gmail.com" <stockton752@gmail.com>
Cc: "Patricia A. Frechette" <PFrechette@dwmlaw.com>, Tom Morgan <tzm7@mac.com>

Hi Tocky,

I've confirmed with Tom that I am happy to work on this. Would you be able to send me what you have? I'll take a brief look then connect with you to get your take on it all.

I presume the documents and plans are large/voluminous, so I am copying my assistant Patty to send you a secure Sharefile link to upload everything to rather than email it. (Thank you Patty.)

Thank you,

Keriann Roman

Attorney

D| 603.792.7419

KRoman@dwmlaw.com

670 N. Commercial Street, Suite 207, Manchester, NH 03101

800.727.1941 **F|** 603.716.2899 **dwmlaw.com**

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From: Tom Morgan <tzm7@mac.com>
Sent: Thursday, June 22, 2023 12:23 PM
To: Keriann Roman <KRoman@dwmlaw.com>
Subject: Fwd: Worthley Ave Lot Line Change plan 2004

CAUTION This message originated from an external source. DO NOT reply, click links, or open attachments unless you have verified the sender and know the content is safe.

Hi Keri,

We have another mission for you! Tocky (see below) updates the tax maps for Seabrook, and she recently encountered some problems down on Worthley Avenue. Bill Manzi has authorized us to seek your legal advice in an effort to sort this one out. I am copying you and Tocky on this email so that the two of you can communicate directly with one another.

Hope you can help us out on this one.

Best regards,

Tom

> Begin forwarded message:
>
> **From:** William Manzi <wmanzi@seabrooknh.org>
>
> **Subject: Re: Worthley Ave Lot Line Change plan 2004**
>
> **Date:** June 21, 2023 at 3:44:44 PM EDT
>
> **To:** Stockton Services <stockton752@gmail.com>
>
> **Cc:** Tom Morgan <tzm7@mac.com>
>
> [Quoted text hidden]

This email has been scanned for spam and viruses by Proofpoint Essentials. Click here to report this email as spam.

Patricia A. Frechette <PFrechette@dwmlaw.com> Thu, Jun 22, 2023 at 2:16 PM
To: "stockton752@gmail.com" <stockton752@gmail.com>, Keriann Roman <KRoman@dwmlaw.com>
Cc: Tom Morgan <tzm7@mac.com>

Good Afternoon, Tocky.

Below is the Sharefile link you can use to upload the documents and plans for Attorney Roman to review. Simply upload after entering your name and email.

https://dwmlaw.sharefile.com/r-r95c986d2eba345199f0373687dd754ae

Thank you.

Patty

Patricia A. Frechette

Legal Assistant

D| 603.792.7424

PFrechette@dwmlaw.com

[Quoted text hidden]

Stockton Services <stockton752@gmail.com> Thu, Jun 22, 2023 at 3:51 PM
To: Keriann Roman <KRoman@dwmlaw.com>
Cc: "Patricia A. Frechette" <PFrechette@dwmlaw.com>, Tom Morgan <tzm7@mac.com>

Thank you Keri, thank you Patty, thank you Tom.
I will need a couple of days to sort out what to send you and how to describe it all.
stay tuned.
Tocky
[Quoted text hidden]

Tom Morgan <tzm7@mac.com> Thu, Jun 22, 2023 at 4:18 PM
To: Keriann Roman <KRoman@dwmlaw.com>
Cc: "Anne \"Tocki\" Biolobrzeski" <stockton752@gmail.com>

Hi Keri, No deadline as far as I know. But check with Tocky on that. Thanks for the assist! - Tom

> On Jun 22, 2023, at 1:58 PM, Keriann Roman <KRoman@dwmlaw.com> wrote:
>
> Tom,
>
> Certainly, happy to help sort this out! I will email Tocky to get the documents/information she has on this. Do you have a deadline in mind to have a "report" from me?
>
> Thank you Tom.
> [Quoted text hidden]
> [Quoted text hidden]
>
> > [Quoted text hidden]
> > [Quoted text hidden]
>
> [Quoted text hidden]

Stockton Services <stockton752@gmail.com> Fri, Jun 23, 2023 at 8:13 AM
To: Tom Morgan <tzm7@mac.com>
Cc: Keriann Roman <KRoman@dwmlaw.com>

No deadline. The deed has been done. Just don't want to put it on the tax map.
T
[Quoted text hidden]

Keriann Roman <KRoman@dwmlaw.com> Fri, Jun 23, 2023 at 12:01 PM
To: Stockton Services <stockton752@gmail.com>

Okay, thank you Tocky.

Keri

From: Stockton Services <stockton752@gmail.com>
Sent: Friday, June 23, 2023 8:14 AM
To: Tom Morgan <tzm7@mac.com>

Cc: Keriann Roman <KRoman@dwmlaw.com>
Subject: Re: Worthley Ave Lot Line Change plan 2004

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[Quoted text hidden]

Stockton Services <stockton752@gmail.com> Fri, Jun 23, 2023 at 3:24 PM
To: "Patricia A. Frechette" <PFrechette@dwmlaw.com>

Hi Patty,
Did I do it right?
Tocky
[Quoted text hidden]

Patricia A. Frechette <PFrechette@dwmlaw.com> Fri, Jun 23, 2023 at 3:54 PM
To: Stockton Services <stockton752@gmail.com>

Hi Tocky,

Yes! I received 6 files. Thank you.

Should we expect more or is this everything for Attorney Roman to review?

Patty

From: Stockton Services <stockton752@gmail.com>
Sent: Friday, June 23, 2023 3:24 PM
To: Patricia A. Frechette <PFrechette@dwmlaw.com>
Subject: Re: Worthley Ave Lot Line Change plan 2004

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[Quoted text hidden]

Stockton Services <stockton752@gmail.com> Fri, Jun 23, 2023 at 3:59 PM
To: "Patricia A. Frechette" <PFrechette@dwmlaw.com>

Nope, that's it for now. I'm sure she will have questions right off the bat....
Thanks, have a great weekend.
Tocky
[Quoted text hidden]

Patricia A. Frechette <PFrechette@dwmlaw.com> Fri, Jun 23, 2023 at 4:07 PM
To: Stockton Services <stockton752@gmail.com>

Okay. Enjoy your weekend too!

[Quoted text hidden]

Keriann Roman <KRoman@dwmlaw.com> Thu, Aug 3, 2023 at 4:18 PM
To: Tom Morgan <tzm7@mac.com>, Stockton Services <stockton752@gmail.com>

Tom and Tocky,

I just wanted to update you that I will have my opinion to you next week on this.

Keriann Roman

Attorney

D| 603.792.7419

KRoman@dwmlaw.com

From: Keriann Roman <KRoman@dwmlaw.com>
Sent: Friday, June 23, 2023 12:07 PM
To: Tom Morgan <tzm7@mac.com>
Subject: RE: Worthley Ave Lot Line Change plan 2004

Tom,

Will do, thank you for asking me to help on this.

Enjoy the beautiful weather!

Keri

From: Tom Morgan <tzm7@mac.com>
Sent: Thursday, June 22, 2023 4:18 PM
To: Keriann Roman <KRoman@dwmlaw.com>
Cc: Anne "Tocki" Biolobrzeski <stockton752@gmail.com>
Subject: Re: Worthley Ave Lot Line Change plan 2004

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[Quoted text hidden]

Stockton Services <stockton752@gmail.com> Thu, Aug 3, 2023 at 4:29 PM
To: Keriann Roman <KRoman@dwmlaw.com>
Cc: Tom Morgan <tzm7@mac.com>

I made an executive decision to leave the tax maps unchanged as to this issue and have sent the updates to RPC for this year.
Keri, have I given you all you need?
Tocky
[Quoted text hidden]

Tom Morgan <tzm7@mac.com> Thu, Aug 3, 2023 at 4:29 PM
To: Keriann Roman <KRoman@dwmlaw.com>
Cc: "Anne \"Tocki\" Biolobrzeski" <stockton752@gmail.com>

Thanks, Keri!
[Quoted text hidden]

Keriann Roman <KRoman@dwmlaw.com> Thu, Aug 10, 2023 at 1:40 PM
To: Tom Morgan <tzm7@mac.com>, Stockton Services <stockton752@gmail.com>

Tocky,

I'm sending you and Tom my draft memo and conclusions first, to be sure I am on the same page as you regarding this.

Please review and let me know when you have a few minutes to talk over the next few days.

Thank you,

[Quoted text hidden]

---

4 attachments

Legal Memo.8.10.23.Worthley Ave.DOCX
657K

1958 New Section Worthley Ave.PDF
145K

2004 Lot LIne Adjustment Plan.PDF
4061K

#9892579v1DWCLIENT - 1877 Widening.PDF
7947K

Stockton Services <stockton752@gmail.com> Thu, Aug 10, 2023 at 6:01 PM
To: Keriann Roman <KRoman@dwmlaw.com>
Cc: Tom Morgan <tzm7@mac.com>

Thanks, Keri.
I will have a look tomorrow and get back to you.
Tocky
[Quoted text hidden]